AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Federal Register

9–10–01 **Monday**
Vol. 66 No. 175 **Sept. 10, 2001**
Pages 46937–47060

The **FEDERAL REGISTER** is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see http://www.nara.gov/fedreg.

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and it includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

GPO Access users can choose to retrieve online **Federal Register** documents as TEXT (ASCII text, graphics omitted), PDF (Adobe Portable Document Format, including full text and all graphics), or SUMMARY (abbreviated text) files. Users should carefully check retrieved material to ensure that documents were properly downloaded.

On the World Wide Web, connect to the **Federal Register** at http://www.access.gpo.gov/nara. Those without World Wide Web access can also connect with a local WAIS client, by Telnet to swais.access.gpo.gov, or by dialing (202) 512-1661 with a computer and modem. When using Telnet or modem, type swais, then log in as guest with no password.

For more information about GPO Access, contact the GPO Access User Support Team by E-mail at gpoaccess@gpo.gov; by fax at (202) 512–1262; or call (202) 512–1530 or 1–888–293–6498 (toll free) between 7 a.m. and 5 p.m. Eastern time, Monday–Friday, except Federal holidays.

The annual subscription price for the **Federal Register** paper edition is $638, or $697 for a combined **Federal Register,** Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the Federal Register Index and LSA is $253. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $9.00 for each issue, or $9.00 for each group of pages as actually bound; or $2.00 for each issue in microfiche form. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard or Discover. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 66 FR 12345.

Printed on recycled paper.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**512–1806**
General online information	**202–512–1530; 1–888–293–6498**

Single copies/back copies:

Paper or fiche	**512–1800**
Assistance with public single copies	**512–1803**

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	**523–5243**
Assistance with Federal agency subscriptions	**523–5243**

FEDERAL REGISTER WORKSHOP

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the **Federal Register** and Code of Federal Regulations.

WHO: Sponsored by the Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the **Federal Register** and Code of Federal Regulations.
3. The important elements of typical **Federal Register** documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: September 20, 2001—9:00 a.m. to noon

WHERE: Office of the Federal Register
Conference Room
800 North Capitol Street, NW.
Washington, DC
(3 blocks north of Union Station Metro)

RESERVATIONS: 202–523–4538; or
info@fedreg.nara.gov

Contents

Federal Register

Vol. 66, No. 175

Monday, September 10, 2001

Reader Aids
Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

5 CFR

Proposed Rules:

213.....46968

10 CFR

Proposed Rules:

72.....47059

14 CFR

25.....46937
39.....46939
97.....46940

Proposed Rules:

39.....46968

15 CFR

922.....46942

17 CFR

3.....47059
170.....47059

21 CFR

872.....46951
878.....46951
880.....46951
882.....46951
884.....46951
892.....46951

40 CFR

52.....46953
62.....46960
271.....46961

Proposed Rules:

52.....46971
62.....46972
70.....46972
271.....46976

45 CFR

Proposed Rules:

1611.....46976
1626.....46977

50 CFR

660.....46966
679.....46967

Proposed Rules:

648 (2 documents) 46978, 46979

Rules and Regulations

Federal Register
Vol. 66, No. 175
Monday, September 10, 2001

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM194; Special Conditions No. 25–184–SC]

Special Conditions: Boeing Model 727–200 Airplanes; High-Intensity Radiated Fields (HIRF)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for Boeing Model 727–200 airplanes modified by Aircraft Systems & Manufacturing. These modified airplanes will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. The modification incorporates the installation of a new electronic air data system, consisting of an electronic Horizontal Situation Indicator (HSI) and dual air data computers, that performs critical functions. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for the protection of these systems from the effects of high-intensity-radiated fields (HIRF). These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: The effective date of these special conditions is September 24, 2001. Comments must be received on or before October 10, 2001.

ADDRESSES: Comments on these special conditions may be mailed in duplicate to: Federal Aviation Administration, Transport Airplane Directorate, Attention: Rules Docket (ANM–113), Docket No. NM194, 1601 Lind Avenue SW., Renton, Washington 98055–4056; or delivered in duplicate to the Transport Airplane Directorate at the above address. All comments must be marked: Docket No. NM194. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Meghan Gordon, FAA, Standardization Branch, ANM–113, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (425) 227–2138; facsimile (425) 227–1149.

SUPPLEMENTARY INFORMATION: The FAA has determined that notice and opportunity for prior public comment hereon are impracticable because these procedures would significantly delay issuance of the approval design and thus delivery of the affected aircraft. In addition, the substance of these special conditions has been subject to the public comment process in several prior instances with no substantive comments received. The FAA therefore finds that good cause exists for making these special conditions effective upon issuance.

Comments Invited

Interested persons are invited to submit such written data, views, or arguments as they may desire. Communications should identify the rules docket number and be submitted in duplicate to the address specified above. The Administrator will consider all communications received on or before the closing date for comments. The special conditions may be changed in light of the comments received. All comments received will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to these special conditions must include with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. NM194.'' The postcard will be date stamped and returned to the commenter.

Background

On February 6, 2001, Aircraft Systems & Manufacturing, 302 Toledo Trail Drive, Georgetown, Texas, 78628, applied for a Supplemental Type Certificate (STC) to modify Boeing Model 727–200 airplanes. These airplanes are low-wing, pressurized transport category airplanes with three fuselage-mounted jet engines. They are capable of seating between 170 and 189 passengers, depending upon the model and configuration. The modification incorporates the installation of a new electronic air data system consisting of an electronic Horizontal Situation Indicator (HSI) and dual air data computers. The avionics/electronics and electrical systems installed in this airplane have the potential to be vulnerable to high-intensity radiated fields (HIRF).

Type Certification Basis

Under the provisions of 14 CFR 21.101, Aircraft Systems & Manufacturing must show that the Boeing Model 727–200 series airplanes, as modified to include the new electronic air data system, continue to meet the applicable provisions of the regulations incorporated by reference in Type Certificate No. A3WE or the applicable regulations in effect on the date of application for the change. The regulations incorporated by reference in the type certificate are commonly referred to as the ''original type certification basis.'' The specific regulations included in the certification basis for the Boeing Model 727–200 series airplanes include Civil Air Regulations (CAR) 4b, as amended by amendment 4b-1 through 4b-11.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* CAR 4b, as amended) do not contain adequate or appropriate safety standards for the Boeing Model 727–200 series airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

In addition to the applicable airworthiness regulations and special conditions, the Boeing Model 727–200 must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36.

Special conditions, as defined in § 11.19, are issued in accordance with

§ 11.38, and become part of the airplane's type certification basis in accordance with § 21.101(b)(2).

Special conditions are initially applicable to the model for which they are issued. Should Aircraft Systems & Manufacturing apply at a later date for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under the provisions of § 21.101(a)(1).

Novel or Unusual Design Features

As noted earlier, the Boeing 727–200 airplanes modified by Aircraft Systems & Manufacturing will incorporate a new electronic air data system, consisting of an electronic HSI and dual air data computers, that will perform critical functions. This system may be vulnerable to high-intensity radiated fields. The current airworthiness standards of part 25 do not contain adequate or appropriate safety standards for the protection of this equipment from the adverse effects of HIRF. Accordingly, this system is considered to be a novel or unusual design feature.

Discussion

There is no specific regulation that addresses requirements for protection of electrical and electronic systems from HIRF. Increased power levels from ground-based radio transmitters and the growing use of sensitive electrical and electronic systems to command and control airplanes have made it necessary to provide adequate protection.

To ensure that a level of safety is achieved that is equivalent to that intended by the regulations incorporated by reference, special conditions are needed for the Boeing Model 727–200 series airplanes modified by Aircraft Systems & Manufacturing. These special conditions will require that this system, which performs critical functions, must be designed and installed to preclude component damage and interruption of function due to both the direct and indirect effects of HIRF.

High-Intensity Radiated Fields (HIRF)

With the trend toward increased power levels from ground-based transmitters, plus the advent of space and satellite communications coupled with electronic command and control of the airplane, the immunity of critical digital avionics systems to HIRF must be established.

It is not possible to precisely define the HIRF to which the airplane will be exposed in service. There is also uncertainty concerning the effectiveness of airframe shielding for HIRF. Furthermore, coupling of electromagnetic energy to flight deck-installed equipment through the cockpit window apertures is undefined. Based on surveys and analysis of existing HIRF emitters, an adequate level of protection exists when compliance with the HIRF protection special condition is shown with either paragraph 1 OR 2 below:

1. A minimum threat of 100 volts rms per meter electric field strength from 10 KHz to 18 GHz.

a. The threat must be applied to the system elements and their associated wiring harnesses without the benefit of airframe shielding.

b. Demonstration of this level of protection is established through system tests and analysis.

2. A threat external to the airframe of the following field strengths for the frequency ranges indicated. Both peak and average field strength components from the Table are to be demonstrated.

Frequency	Field Strength (volts per meter)	
	Peak	Average
10 kHz–100 kHz	50	50
100 kHz–500 kHz	50	50
500 kHz–2 MHz	50	50
2 MHz–30 MHz	100	100
30 MHz–70 MHz	50	50
70 MHz–100 MHz	50	50
100 MHz–200 MHz	100	100
200 MHz–400 MHz	100	100
400 MHz–700 MHz	700	50
700 MHz–1 GHz	700	100
1 GHz–2 GHz	2000	200
2 GHz–4 GHz	3000	200
4 GHz–6 GHz	3000	200
6 GHz–8 GHz	1000	200
8 GHz–12 GHz	3000	300
12 GHz–18 GHz	2000	200
18 GHz–40 GHz	600	200

The field strengths are expressed in terms of peak of the root-mean-square (rms) over the complete modulation period.

The threat levels identified above are the result of an FAA review of existing studies on the subject of HIRF, in light of the ongoing work of the Electromagnetic Effects Harmonization Working Group of the Aviation Rulemaking Advisory Committee.

Applicability

As discussed above, these special conditions are applicable to the Boeing Model 727–200 series airplanes modified by Aircraft Systems & Manufacturing to install a new electronic air data system. Should Aircraft Systems & Manufacturing apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. A3WE to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well under the provisions of § 21.101(a)(1).

Conclusion

This action affects only certain design features on the Boeing Model 727–200 series airplanes modified by Aircraft Systems & Manufacturing to include the new electronic air data system. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplanes.

The substance of the special conditions for these airplanes has been subjected to the notice and comment procedure in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. For this reason, and because a delay would significantly affect the certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions immediately. Therefore, these special conditions are being made effective upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the supplemental type certification basis for the Boeing Model 727–200 series airplanes as modified by Aircraft Systems & Manufacturing.

1. *Protection from Unwanted Effects of High-Intensity Radiated Fields (HIRF).* Each electrical and electronic system that performs critical functions must be designed and installed to ensure that the operation and

operational capability of these systems to perform critical functions are not adversely affected when the airplane is exposed to high-intensity radiated fields.

2. For the purpose of these special conditions, the following definition applies:

Critical Functions: Functions whose failure would contribute to or cause a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Renton, Washington, on August 24, 2001.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–22661 Filed 9–7–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–246–AD; Amendment 39–12427; AD 2001–18–01]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A340–211 Series Airplanes Modified by Supplemental Type Certificate ST09092AC–D

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Airbus Model A340–211 series airplanes modified by supplemental type certificate ST09092AC–D, that requires modifying the passenger entertainment system (PES) and revising the Flight Crew Operating Manual. This action is necessary to ensure that the flight crew is able to remove electrical power from the entire PES when necessary and is advised of appropriate procedures for such action. Inability to remove power from the PES during a non-normal or emergency situation could result in inability to control smoke or fumes in the airplane flight deck or cabin. This action is intended to address the identified unsafe condition.

DATES: Effective October 15, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 15, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Raytheon Systems Company, Intelligence Information and Aircraft Integration Systems, 7500 Maehre Road, Waco, Texas 76705. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; at the FAA, Fort Worth Airplane Certification Office, 2601 Meacham Blvd., Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ingrid Knox, Aerospace Engineer, FAA, Fort Worth Airplane Certification Office, ASW–150, 2601 Meacham Blvd., Fort Worth, Texas 76137–4298; telephone (817) 222–5139; fax (817) 222–5960.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Airbus Model A340–211 series airplanes modified by supplemental type certificate (STC) ST09092AC–D was published in the **Federal Register** on March 2, 2001 (66 FR 13222). That action proposed to require modifying the passenger entertainment system (PES) and revising the Flight Crew Operating Manual.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

Omit Reference to the Foreign Airworthiness Authority

The commenter requests that the FAA revise the final rule to omit the references to the Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France. The commenter points out that the PES system that is the subject of the proposed AD was approved by an American STC; thus, the DGAC is not the primary airworthiness authority for the STC as the proposed rule states.

We concur. The references in the proposed rule to the DGAC were included in error. However, the sections that contained the subject references are not restated in this final rule. Therefore, no change to the final rule is necessary.

Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

None of the airplanes affected by this action are on the U.S. Register. The single airplane included in the applicability of this AD currently is operated by a non-U.S. operator under foreign registry; therefore, it is not directly affected by this AD action. However, the FAA considers that this rule is necessary to ensure that the unsafe condition is addressed in the event that the subject airplane is imported and placed on the U.S. Register in the future.

Should the affected airplane be imported and placed on the U.S. Register in the future, it will take approximately 28 work hours to accomplish the modification, at an average labor rate of $60 per work hour. Required parts will cost approximately $162,597 per airplane. Based on these figures, the cost impact of the required modification would be $164,277.

Should the affected airplane be imported and placed on the U.S. Register in the future, it will take approximately 1 work hour to accomplish the manual revision, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the required manual revision would be $60.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3)

will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2001–18–01 Airbus: Amendment 39–12427. Docket 2000–NM–246–AD.

Applicability: Model A340–211 series airplanes modified by supplemental type certificate (STC) ST09092AC–D, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To ensure that the flight crew is able to remove electrical power from the entire passenger entertainment system (PES) when necessary and is advised of appropriate procedures for such action, accomplish the following:

Modification and Flight Crew Operating Manual Revision

(a) Within 18 months after the effective date of this AD, do paragraphs (a)(1) and (a)(2) of this AD.

(1) Modify the PES by replacing the three-unit busbar with a two-unit busbar and installing associated wiring, in accordance with Raytheon Service Bulletin A340VIP–24–1, dated August 28, 2000.

(2) Revise the Electrical Controls and Indicators section of the Airbus A340 Flight Crew Operating Manual to advise the flight crew that power to the PES can be removed by using the ''COMMERCIAL'' switch in the flight compartment, by inserting ''Electrical Controls and Indicators,'' 1.24.20, page 4, Revision 07, dated October 1995, of the Airbus A340 Flight Crew Operating Manual.

Spares

(b) As of the effective date of this AD, no person shall install a PES system in accordance with STC ST09092AC–D on any airplane, unless it is modified and the Flight Crew Operating Manual is revised in accordance with this AD.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Fort Worth Airplane Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Fort Worth ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Fort Worth ACO.

Special Flight Permits

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(e) The actions shall be done in accordance with Raytheon Service Bulletin A340VIP–24–1, dated August 28, 2000; and Airbus A340 Flight Crew Operating Manual ''Electrical Controls and Indicators,'' 1.24.20, page 4, Revision 07, dated October 1995; as applicable. The Airbus A340 Flight Crew Operating Manual contains the following list of effective pages:

Page number	Revision level shown on page	Date shown on page
List of Effective Pages 01–52	07	October 1995.

(The revision date of this document is only contained in the ''List of Normal Revisions''; no other page of the document contains this information.) This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Raytheon Systems Company, Intelligence Information and Aircraft Integration Systems, 7500 Maehre Road, Waco, Texas 76705. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; at the FAA, Fort Worth Airplane Certification Office, 2601 Meacham Blvd., Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(f) This amendment becomes effective on October 15, 2001.

Issued in Renton, Washington, on August 27, 2001.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–22084 Filed 9–7–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30266; Amdt. No. 2067]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference-approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4, and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (NFDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPS, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore–(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on August 31, 2001.

Nicholas A. Sabatini,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, 44701; and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33 and 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

** * * Effective November 1, 2001*

Hot Springs, AR, Memorial Field, RNAV (GPS) RWY 5, Orig
Hot Springs, AR, Memorial Field, GPS RWY 5, Orig, CANCELLED
Burbank, CA, Burbank-Glendale-Pasadena, VOR RWY 8, Amdt 10C
Burbank, CA, Burbank-Glendale-Pasadena, RNAV (GPS) RWY 8, Orig
Grand Junction, CO, Walker Field, RNAV (GPS) RWY 11, Orig
Grand Junction, CO, Walker Field, RNAV (GPS) RWY 29, Orig
Grand Junction, CO, Walker Field, GPS RWY 11, Orig, CANCELLED
Grand Junction, CO, Walker Field, GPS RWY 29, Orig-A, CANCELLED
Crystal River, FL, Crystal River, VOR/DME OR GPS–A, Amdt 1
Gainesville, FL, Gainesville Regional, VOR/DME RWY 6, Orig
Gainesville, FL, Gainesville Regional, VOR/DME RWY 10, Orig
Gainesville, FL, Gainesville Regional, VOR RWY 24, Orig
Gainesville, FL, Gainesville Regional, VOR RWY 28, Orig
Gainesville, FL, Gainesville Regional, LOC/DME BC RWY 10, Orig
Gainesville, FL, Gainesville Regional, NDB RWY 28, Amdt 9
Gainesville, FL, Gainesville Regional, ILS RWY 28, Amdt 12
Keystone Heights, FL, Keystone Airpark, VOR/DME RWY 4, Orig
Lake City, FL, Lake City Muni, NDB RWY 28, Amdt 2
Miami, FL, Dade-Collier Training and Transition, NDB OR GPS RWY 9, Amdt 13
Miami, FL, Dade-Collier Training and Transition, ILS RWY 9, Amdt 14
Williston, FL, Williston Muni, VOR/DME RWY 23, Orig
Centralia, IL, Centralia Muni, VOR–A, Amdt 1
Centralia, IL, Centralia Muni, RNAV (GPS) RWY 18, Orig

Centralia, IL, Centralia Muni, RNAV (GPS) RWY 36, Orig
Minneapolis, MN, Minneapolis-St Paul Intl (Wold-Chamberlain), NDB RWY 4, Amdt 20A
Minneapolis, MN, Minneapolis-St Paul Intl (Wold-Chamberlain), RNAV (GPS) RWY 4, Orig
Hazen, ND, Mercer County Regional, RNAV (GPS) RWY 14, Orig
Hazen, ND, Mercer County Regional, RNAV (GPS) RWY 32, Orig
Hazen, ND, Mercer County Regional, GPS RWY 14, Orig, CANCELLED
Hazen, ND, Mercer County Regional, GPS RWY 32, Orig, CANCELLED
Gordon, NE, Gordon Muni, RNAV (GPS) RWY 22, Orig
Gordon, NE, Gordon Muni, GPS RWY 22, Orig, CANCELLED
North Platte, NE, North Platte Regional Lee Bird Field, RNAV (GPS) RWY 30, Orig
Newark, NJ, Newark Intl, VOR RWY 11, Amdt 2
Newark, NJ, Newark Intl, RNAV (GPS) RWY 11, Orig
Newark, NJ, Newark Intl, GPS RWY 11, Orig, CANCELLED
Boise City, OK, Boise City, RNAV (GPS) RWY 4, Orig
Boise City, OK, Boise City, GPS RWY 4, Orig, CANCELLED
Butler, PA, Butler County/K W Scholter Field, ILS RWY 8, Amdt 6
Collegeville, PA, Perkiomen Valley, VOR OR GPS RWY 9, Amdt 4
Galeton, PA, Cherry Springs, VOR–A, Amdt 6, CANCELLED
Galeton, PA, Cherry Springs, VOR/DME–A, Orig
Lancaster, PA, Lancaster, RNAV (GPS) RWY 8, Orig
Angleton/Lake Jackson, TX, Brazoria County, NDB RWY 17, Amdt 3
Angleton/Lake Jackson, TX, Brazoria County, RNAV (GPS) RWY 17, Amdt 1
Angleton/Lake Jackson, TX, Brazoria County, RNAV (GPS) RWY 35, Amdt 1
Conroe, TX, Montgomery County, ILS RWY 14, Amdt 2
Conroe, TX, Montgomery County, NDB RWY 14, Amdt 2
Conroe, TX, Montgomery County, RNAV (GPS) RWY 32, Orig
Conroe, TX, Montgomery County, VOR/DME RNAV RWY 32, Amdt 1B, CANCELLED
Conroe, TX, Montomery County, GPS RWY 32, Orig-C, CANCELLED
Hondo, TX, Hondo Muni, RNAV (GPS) RWY 17L, Orig
Hondo, TX, Hondo Muni, GPS RWY 17L, Amdt 1, CANCELLED
Houston, TX, Clover Field, VOR–A, Amdt 1
Houston, TX, Clover Field, GPS RWY 32L, Orig, CANCELLED
Houston, TX, Clover Field, RNAV (GPS) RWY 32L, Orig
Houston, TX, David Wayne Hooks Memorial, RNAV (GPS) RWY 17R, Orig
Houston, TX, David Wayne Hooks Memorial, RNAV (GPS) RWY 35L, Orig
Houston, TX, Ellington Field, RNAV (GPS) RWY 4, Orig
Houston, TX, Ellington Field, GPS RWY 4, Orig-A, CANCELLED
Houston, TX, Ellington Field, GPS RWY 22, Orig, CANCELLED
Houston, TX, George Bush Intercontinental Arpt/Houston, GPS RWY 15L, Orig-B, CANCELLED
Houston, TX, George Bush Intercontinential Arpt/Houston, RNAV (GPS) RWY 15L, Orig
Houston, TX, George Bush Intercontinental Arpt/Houston, GPS RWY 27, Amdt 1, CANCELLED
Houston, TX, George Bush Intercontinental Arpt/Houston, GPS RWY 33R, Orig, CANCELLED
Houston, TX, George Bush Intercontinental Arpt/Houston, RNAV (GPS) RWY 27, Orig
Houston, TX, George Bush Intercontinental Arpt/Houston, RNAV (GPS) RWY 33R, Orig
Houston, TX, Houston-Southwest, NDB RWY 9, Amdt 5
Houston, TX, Houston-Southwest, NDB RWY 27, Amdt 4
Houston, TX, Houston-Southwest, RNAV (GPS) RWY 9, Orig
Houston, TX, Houston-Southwest, RNAV (GPS) RWY 27, Orig
Houston, TX, Houston-Southwest, VOR/DME RNAV RWY 9, Amdt 2
Houston, TX, Houston-Southwest, VOR/DME RNAV RWY 27, Amdt 3
Houston, TX, Houston-Southwest, GPS RWY 27, Orig, CANCELLED
Houston, TX, Houston-Southwest, GPS RWY 9, Orig, CANCELLED
Houston, TX, Sugar Land Muni/Hull Field, VOR/DME–A, Amdt 1
Houston, TX, Sugar Land Muni/Hull Field, NDB RWY 17, Amdt 9
Houston, TX, Sugar Land Muni/Hull Field, RNAV (GPS) RWY 17, Orig
Houston, TX, Sugar Land Muni/Hull Field, RNAV (GPS) RWY 35, Orig
Houston, TX, Weiser Airpark, RNAV (GPS)–E, Orig
Houston, TX, William P. Hobby, VOR/DME RWY 22, Amdt 24A, CANCELLED
La Porte, TX, La Poret Muni, VOR–A, Orig
La Porte, TX, La Porte Muni, VOR OR GPS–A, Amdt 12, CANCELLED
La Porte, TX, La Porte Muni, NDB RWY 30, Amdt 2,
La Porte, TX, La Porte Muni, RNAV (GPS) RWY 30, Orig
Charlotte Amalie, VI, Cyril E King, ILS RWY 10, Amdt 1
Madison, WI, Dane County Regional-Truax Field, VOR RWY 13, Orig
Madison, WI, Dane County Regional-Truax Field, VOR RWY 18, Orig
Madison, WI, Dane County Regional-Truax Field, VOR RWY 36, Orig
Madison, WI, Dane County Regional-Truax Field, VOR OR TACAN OR GPS RWY 13, Amdt 23B, CANCELLED
Madison, WI, Dane County Regional-Truax Field, VOR OR TACAN OR GPS RWY 18, Amdt 20B, CANCELLED
Madison, WI, Dane County Regional-Truax Field, VOR OR TACAN OR GPS RWY 31, Amdt 24C, CANCELLED
Madison, WI, Dane County Regional-Truax Field, VOR/DME OR TACAN RWY 13, Orig
Madison, WI, Dane County Regional-Truax Field, VOR/DME OR TACAN RWY 18, Orig
Madison, WI, Dane County Regional-Truax Field, VOR/DME OR TACAN RWY 31, Orig
Madison, WI, Dane County Regional-Truax Field, NDB RWY 36, Amdt 29
Madison, WI, Dane County Regional-Truax Field, RNAV (GPS) RWY 13, Orig
Madison, WI, Dane County Regional-Truax Field, RNAV (GPS) RWY 18, Orig
Madison, WI, Dane County Regional-Truax Field, RNAV (GPS) RWY 21, Orig–A
Madison, WI, Dane County Regional-Truax Field, RNAV (GPS) RWY 31, Orig
Madison, WI, Dane County Regional-Truax Field, RNAV (GPS) RWY 36, Orig
Oshkosh, WI, Wittman Field, RNAV (GPS) RWY 36, Orig

Note: The FAA published the following procedures in Docket No. 30264, Amdt. No. 2065 to Part 97 of the Federal Aviation Administration Regulations (**Federal Register** Vol. 66, No. 164, Page 44301–44302, dated Thursday, August 23, 2001) under Section 97.23 & 97.33 effective October 4, 2001 is hereby amended as follows:

Change the effective on the following procedures to November 1, 2001:

Burbank, CA, Burbank-Glendale-Pasadena, VOR RWY 8, Amdt 10C
Burbank, CA Burbank-Glendale-Pasadena, RNAV (GPS) RWY 8, Orig

[FR Doc. 01–22658 Filed 9–7–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 922

[Docket No. 970626156–1021–04]

RIN 0648–AK01

Regulation of the Operation of Motorized Personal Watercraft in the Gulf of the Farallones National Marine Sanctuary

AGENCY: Office of National Marine Sanctuaries, National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA) Department of Commerce.

ACTION: Final rule; notice of availability of environmental assessment.

SUMMARY: NOAA amends the regulations governing activities in the Gulf of the Farallones National Marine Sanctuary (GFNMS or Sanctuary) to prohibit the operation of motorized personal watercraft (MPWC) within the boundaries of the GFNMS. This regulation is necessary to protect sensitive biological resources, to minimize user conflict, and to protect the ecological, aesthetic, and recreational qualities of the Sanctuary. NOAA also announces the availability of an Environmental Assessment (EA) on the rule.

DATES: Effective October 10, 2001.

ADDRESSES: Copies of the Environmental Assessment are available upon request from the Gulf of the Farallones National Marine Sanctuary, Fort Mason, Building 201, San Francisco, CA 94123 (415) 561–6622.

FOR FURTHER INFORMATION CONTACT: Ed Ueber at (415) 561–6622.

SUPPLEMENTARY INFORMATION:

I. Background

In recognition of the national significance of the unique marine environment of the Gulf of the Farrallones, California, the GFNMS was designated in January 1981. The GFNMS regulations at 15 CFR part 922, Subpart H prohibit a relatively narrow range of activities to protect Sanctuary resources and qualities. On April 18, 1996, the Environmental Action Committee (EAC) of West Marin, California, petitioned the GFNMS to ban the use of MPWC in the Sanctuary. Operation of MPWC is currently not regulated under GFNMS regulations. The EAC identified a number of concerns regarding the use of MPWC within the Sanctuary. In its petition, the EAC asserted that: MPWC are completely incompatible with the existence of a marine sanctuary; pose a danger to the biological resources of the sanctuary, such as marine mammals, wildfowl, kelp beds, anadromous fish, and other marine life; create noise, water and air pollution; and threaten mariculture and other commerce throughout the Sanctuary. The EAC also stated that MPWC create a hazard for other Sanctuary users, including swimmers, sailboats, windsurfers, open-water rowing shells and kayaks. NOAA also received 195 letters from members of the public in response to media publicity about the petition. Sixty-four percent opposed regulation of MPWC; 33% supported the EAC's requested ban; one percent expressed no clear opinion.

To supplement existing information on the use and impacts of MPWC, NOAA published a Notice of Inquiry/ Request for Information in the Federal Register on August 21, 1997, initiating a 45-day comment period that ended October 6, 1997. NOAA requested information on the following: (1) The number of motorized personal watercraft being operated in the Sanctuary; (2) possible future trends in such numbers; (3) the customary launching areas for motorized personal watercraft in or near the Sanctuary; (4) the areas of use of motorized personal watercraft activity in the Sanctuary, including areas of concentrated use; (5) the periods (e.g., time of year, day) of use of motorized personal watercraft in the Sanctuary, including periods of high incidence of use; (6) studies or technical articles concerning the impacts of motorized personal watercraft on marine resources and other users; (7) first person or documented accounts of impacts of motorized personal watercraft on marine resources and other users; and (8) any other information or other comments that may be pertinent to this issue. NOAA received 160 public comments in response to the notice of inquiry and two signature petitions during the comment period. One hundred fifty-three (96%) supported banning the operation of MPWC within the GFNMS. Two signature petitions were also received; one, with 276 signatures, supported the ban; the second, with 41 signatures, opposed the ban. Forty-four people spoke at a public meeting held to gather information during the comment period, all but one of who supported the petition to ban MPWC operation. Half of the speakers at the public meeting had previously submitted written comments.

Responses to and investigation of the specific questions in the August, 1997 notice revealed that: (1) The number of MPWC currently being operated in Sanctuary waters is believed to be 20 by the proprietors of Lawson's Landing, the primary MPWC launch site in Sanctuary waters, and these users make less than 200 launches per year; (2) the use of MPWC in Sanctuary waters is believed to be increasing; (3) there are two established MPWC launch sites in the Sanctuary, at Bodega Harbor and Lawson's Landing; (4) the areas in the Sanctuary where MPWC are operated are in the vicinity of the mouth of Tomales Bay and the area outside Bodega Harbor-over 95% of MPWC operation that occurs in the Sanctuary occurs in these areas; (5) April through November appear to be the times of highest use of MPWC in Sanctuary waters; (6, 7, and 8) numerous studies, technical articles, and personal documentation such as photos, letters and logs of the impacts of MPWC on marine resources and other users were received and collected.

The following were identified during NOAA's review of this issue: (1) Water-based recreational activity is increasing in the United States; (2) water-based recreational activity has impacted coastal habitats, seabirds, marine mammals and fish; (3) operation of MPWC is a relatively new and increasingly popular water sport; (4) MPWC, are different from other types of motorized watercraft in their structure (smaller size, shallower draft, two-stroke engine, and exhaust venting to water as opposed to air) and their operational impacts (operated at faster speeds, operated closer to shore, make quicker turns, stay in a limited area, tend to operate in groups, and have more unpredictable movements); (5) MPWC have been operated in such a manner as to create a safety hazard to other resource users in the vicinity; (6) MPWC may interfere with marine commercial users; (7) MPWC have disturbed natural quiet and aesthetic appreciation; (8) MPWC have interfered with other marine recreational uses; (9) MPWC have impacted coastal and marine habitats; (10) MPWC have disturbed waterfowl and seabirds; (11) MPWC have disturbed marine mammals; (12) MPWC may disturb fish; (13) other jurisdictions have had problems with MPWC and have proposed and implemented various means of attempting to solve the problems; (14) the Sanctuary has sensitive areas that were deemed worthy of protection by the designation of a National Marine Sanctuary, including five State designated Areas of Special Biological Significance and four semi-enclosed estuarine areas; and (15) MPWC present a present and potential threat to resources and users of the GFNMS.

Based on this information, the NMSP published a proposed rule to prohibit operation of MPWC from the mean high tide line seaward to 1000 yards. The proposed rule was designed to protect Sanctuary resources and minimizing user conflict in the nearshore areas. NOAA received 53 public comments on the proposed rule. Fifty-one commentors (96%) supported a full ban on MPWC within the GFNMS and 2 (4%) opposed the proposed regulations. On June 2, 1999, a public hearing to accept comments on the proposed rule was held in Point Reyes, California. Five people spoke at the public hearing. Three people spoke in favor of a complete ban on MPWC within the GFNMS and two people spoke out against the proposed 1000-yard restriction. Comments received on the April 23 rule and NOAA's responses were included in the preamble to the proposed rule that was published in the **Federal Register** on May 22, 2000.

After considering the comments in response to the proposed rule, reviewing new and recent MPWC regulations for agencies with contiguous or overlapping boundaries, and reviewing recent biological information, NOAA concluded that a total prohibition on the operation of MPWC would be necessary to adequately protect Sanctuary resources. On May 22, 2000, NOAA published a notice of

withdrawal of the April 23, 1999 proposed rule, a new proposed rule for the total prohibition of MPWC within the Sanctuary, and a notice of availability of Draft Environmental Assessment (DEA). Comments on the proposed rule and the DEA were accepted until June 21, 2000. In addition, a public hearing was held on June 12, 2000. NOAA received 65 comments on the proposed rule. Fifty commentors (77%) supported a full ban and 15 (23%) were opposed to the full ban. The comments and NOAA's responses to them are provided below.

The waters of the Sanctuary are home to a rich diversity of organisms and provide critical habitat for seabirds, marine mammals, fishes, invertebrates, sea turtles and marine flora. The biological importance and uniqueness of Sanctuary waters have been internationally recognized by the incorporation of Sanctuary waters into the United Nations' Man in the Biosphere system as part of the Golden Gate Biosphere Reserve, and the designation of Bolinas Lagoon as a RAMSAR (Convention for Wetlands of International Significance) site.

Because of its unique geology and geography, the biological diversity found within the GFNMS rivals any location along the Pacific coast. Fueled by the strongest coastal upwelling in North America (Bakun, 1973), abundant biological resources thrive in the productive waters of the Gulf's broad, shallow continental shelf. A counter-clockwise eddy that swirls south of Point Reyes in the Gulf of the Farallones concentrates the products of upwelling (Wing et al., 1995) and acts like an incubator for small developing animals. These in turn are food for organisms higher on the food web. The result is a marine system that supports some of the most active commercial fisheries on the west coast, provides food and habitat to support the largest concentration of breeding seabirds in the continental United States and supports roughly 20% of the breeding population of California's harbor seals. The offshore area of the Sanctuary provides important habitat for federally endangered blue, humpback, fin, sei and sperm whales, and provides habitat for up to 50% of all the ashy storm petrels in the world and 90% of all the common murres in their southern range. Harbor porpoise, Steller sea lions, Pacific white sided dolphins, Dall's porpoise, California sea lions, common murres, Cassin's auklets, rhinoceros auklets, three species of cormorants, two species of grebes, tufted puffins, pigeon guillemots, marbled murrelets, black footed albatross, storm petrels, shearwaters, fulmars and many species of seabirds and marine mammals that are less abundant also depend on the offshore areas of the Sanctuary to provide food and shelter.

The Gulf of the Farallones is a destination feeding area for protected white sharks (Klimley and Ainley, 1996) and endangered blue and humpback whales (Kieckhefer, 1992). The sharks aggregate in coastal areas and near the Farallon islands from spring through fall to feed on an abundance of seals and sea lions. The whales travel from Mexico to feed on the concentrations of krill and forage fish found in the Sanctuary. From spring through late summer, krill swarm in the surface layers of the Gulf (Smith and Adams, 1988). It is during these daytime surface swarms that krill are most vulnerable to predators. Endangered whales, seabirds and salmon feed heavily on krill when krill are concentrated in these surface aggregations. Ten percent of California's threatened coho salmon population feed in the outer Sanctuary during the ocean phase of their life history before returning to spawn in Lagaunitas Creek and its tributaries. Recently listed populations of chinook salmon also feed in the Gulf of the Farallones as adults before returning to the Sacramento River drainage to complete their life cycle. Gray whales pass through the Sanctuary twice a year on their migration route between winter calving grounds in Mexico and summertime feeding areas in Alaska. In recent years, more individual gray whales are remaining in the Gulf of the Farallones throughout the year to feed instead of proceeding to the feeding grounds in Alaska.

The protected bays and coastal wetlands of the Sanctuary, such as Bodega Bay, Tomales Bay, Drakes Bay, Bolinas Lagoon, Estero Americano and Estero de San Antonio, include intertidal mudflats, sand flats, salt marshes, submerged rocky terraces, and shallow subtidal areas. These areas support large populations of benthic fauna and concentrations of burrowing organisms and organisms living on marine plants. Submerged eelgrass (Zostera marina) beds are prevalent in the northern portion of Tomales Bay and provide crucial feeding habitat for more than 50 resident, breeding, and migratory bird species. These eelgrass beds are also important for many marine invertebrates and for the developing egg masses of herring and other fishes. It is estimated that approximately 30 million herring spawn annually on the eelgrass beds of Tomales Bay (Fox, 1997). The shallow protected bays and estuaries within the Sanctuary, such as Tomales Bay, Drakes Bay, Bolinas Lagoon, and the esteros, are important habitat for anadromous fish, several species of surfperches, sharks, rays and flatfish. Over 150 species of fish are found in the Sanctuary including the federally endangered winter-run Chinook salmon and the federally threatened coho salmon, spring run Chinook salmon, steelhead trout and tidewater goby.

Among the hundreds of bird species that reside in or migrate through the Sanctuary, many are endangered, threatened or of special concern. These include the following species which are found in the Sanctuary and on the Farallon Islands (Key: FE=Federally listed as endangered; FT=Federally listed as threatened; SE=listed in the State of California as endangered; ST=listed in the State of California as threatened; CSC=California species of concern):

Swimmers [ducks and duck-like]:		
Aleutian Canada Goose	*Branta canadensis leucopareia*	FT
Barrow's Goldeneye	*Bucephala islandica*	CSC
Common Loon	*Gavia immer*	CSC
Double-crested Cormorant	*Palacrocorax auritus*	CSC
Harlequin Duck	*Histrionicus histrionicus*	CSC
Marbled Murrelet	*Brachyramphus marmoratus*	FT/SE
Aerialists [gulls and gull-like]:		
American White Pelican	*Pelecanus erythorhynchos*	CSC
Ashy Storm Petrel	*Oceanodroma homochroa*	CSC
California Brown Pelican	*Pelecanus occidentalis californicus*	FE/SE
California Gull	*Larus californicus*	CSC
California Least Tern	*Sterna antillarum browni*	FE/SE
Elegant Tern	*Sterna elegant*	CSC
Short-tailed Albatross	*Diomedea albatrus*	FE

Long-legged waders [herons, cranes, etc.]:		
California Black Rail	*Laterallus jamaicensis corurniculus*	ST
Smaller waders [plovers, sandpipers, etc.]:		
Long-billed Curlew	*Numenius americanus*	CSC
Western Snowy Plover (coastal)	*Charadrius alexandrinus niv.*	FT/CSC
Birds of prey [hawks, eagles, owls]:		
Bald Eagle check status	*Haliaeetus leucocephalus*	FT
Ferruginous Hawk	*Buteo regalis*	CSC
Osprey	*Pandion haliaetus*	CSC
Prairie Falcon	*Falco mexicanus*	CSC
Peregrine Falcon	*Falco peregrinus*	FE
Passerine birds [perching]:		
Saltmarsh common yellowthroat	*Geothlypis trichas sinuosa*	CSC

There are at least twelve critical marine bird nesting areas along the shoreline of the Sanctuary. More than twelve species of marine birds breed within the Sanctuary and the nesting population on the Farallon Islands is the largest concentration of breeding marine birds in the continental United States. During nesting and rearing of young, these sea birds are especially dependent on the Sanctuary waters for food.

Thirty-three species of marine mammals have been observed in the Sanctuary including six species of pinnipeds, one mustelid and twenty-six species of cetaceans. About 20% of the state's breeding population of harbor seals live within the boundaries of the Sanctuary, and northern fur seals are starting to recolonize historic pupping sites within the Sanctuary for the first time since 1820. Of the twenty-six species of cetaceans that occur in Sanctuary waters, nineteen are migratory, and seven are considered resident species. Many of these marine mammals occur in large concentrations and are dependent on the productive and secluded habitat of the Sanctuary's waters and adjacent coastal areas for breeding, pupping, hauling-out, feeding, and resting during migration. Three areas in the Sanctuary have been identified as critical feeding areas for the threatened Steller sea lion, including the nearshore areas around Point Reyes, the northern half of Tomales Bay and areas adjacent to the Farallon Islands.

Humpback and blue whales migrate to offshore areas of the Sanctuary each summer to feed. Fin, sei and sperm whales also frequent this area when prey are abundant. Harbor seals, elephant seals, California sea lions, Dall's porpoise, harbor porpoise and gray whales are common residents in Sanctuary waters. Gray whales pass through the Sanctuary twice a year on their migration route between winter calving grounds in Mexico and summertime feeding areas in Alaska. In recent years, individuals have remained in the Gulf of the Farallones to feed instead of proceeding to the feeding grounds in Alaska. Since 1999, gray whales have been feeding in Bodega Bay and cow-calf pairs have been entering coastal embayments in unprecedented numbers. Some individuals have acclimated to conditions in the Sanctuary and are now year-round residents. Four species of endangered sea turtles are also known to reside in or migrate through Sanctuary waters. A listing of all threatened and endangered marine mammals and sea turtles follows (Key: FE=Federally listed as endangered; FT=Federally listed as threatened; ST=listed in the State of California as threatened).

Pinnipeds:		
Guadelupe fur seal	*Arctocephalus townsendi*	FT/ST
Steller (Northern) sea lion	*Eumetopias jubatus*	FT
Mustelids:		
Southern sea otter	*Enhydra lutris nereis*	FT
Cetaceans:		
Blue whale	*Balaenoptera musculus*	FE
Humpback whale	*Magaptera noveangliae*	FE
Sei whale	*Balaenoptera robustus*	FE
Sperm whale	*Physeter macrocphalus*	FE
Fin whale	*Balaenoptera physalus*	FE
Sea Turtles:		
Green turtle	*Chelonia mydas*	FE
Leatherback turtle	*Dermochelys coriacea*	FE
Loggerhead turtle	*Caretta caretta*	FE
Olive (Pacific) ridley	*Lepidochelys olivacea*	FE

Several populations of marine mammals are starting to recover from near extinction after years of human exploitation. As populations begin to rebound, individuals are expanding the populations' distributions back to historic ranges. In many instances, such as the sea otters, gray whales, northern fur seals and elephant seals, animals are using areas that have not been utilized for decades. It is critical for the Sanctuary to provide habitat that was historically available and allow these populations to return to their natural levels.

The offshore waters of the Sanctuary also provide entrance and egress for commercial shipping traffic using ports in San Francisco Bay. Tankers and container ships traverse the Sanctuary in three offshore shipping lanes that direct traffic from different directions in and out of San Francisco Bay. These offshore waters also support an active sport and commercial fishery. Small skiffs and larger commercial vessels troll at constant speeds or drift through the Sanctuary waters fishing for salmon and albacore. Rockfish and urchin boats fish the high spots and reefs closer to shore. On the softer sediment of the continental shelf, crab fishermen lay out their lines of crab pots each one identified with a buoy at the surface. All of these activities have gear in the water that is independent from or is attached but extends some distance from the boat. The gear is not readily apparent to the casual observer. Fishermen are generally aware of how gear types are deployed and operated. In cases where

the potential for conflict arises, most boats operating offshore have navigation equipment and radios to communicate with each other. Commercial whale watching and seabird operations regularly use the offshore area of the Sanctuary for wildlife viewing opportunities. In 1999, 3500 people visited the Sanctuary on one commercial company's whale watching trips (Mary Jane Schramm, Oceanic Society, pers. comm. 10 April 2000).

The nearshore waters of the Sanctuary are the areas most heavily used for recreation. Areas such as Tomales Bay and Dillon Beach in Bodega Bay are used for fishing, sailing, canoeing, rowing, kayaking and swimming. These activities are often conducted very close to shore and may be dependent on calm waters. Other activities conducted in the nearshore area of the Sanctuary that could be affected by MPWC include diving, windsurfing, surfing and bodyboarding.

Several Federal resource agencies have recognized MPWC as a unique type of recreational vessel that is relatively recent in origin (U.S. Fish and Wildlife Service, 1992; NOAA, 1992; U.S. Dept. of Interior, 1998c). MPWC are designed to be operated at high speeds, closer to shore, and to make quicker turns than other types of motorized vessels. MPWC have a disproportional thrust capability and horsepower to vessel length and/or weight, in some cases four times that of conventional vessels (U.S. Dept. of Interior, 1998c). Research indicates that impacts associated with MPWC tend to be locally concentrated, producing effects that are more geographically limited yet potentially more severe than motorboat use, due to repeated disruptions and an accumulation of impacts in a shorter period of time (Snow, 1989). MPWC are generally of smaller size, with a shallower draft (4 to 9 inches), and lower horsepower (around 75, as compared to up to 250 for large pleasure craft) than most other kinds of motorized watercraft (Ballestero, 1990; Snow, 1989). The smaller size and shallower draft of MPWC means they are more maneuverable, operable closer to shore and in shallower waters than other types of motorized watercraft. This maneuverability greatly increases the potential for MPWC to disturb fragile nearshore habitats and organisms. Although wakes of MPWC may be smaller than wakes of conventional motorboats, they can be more damaging (e.g., flooding of coastal bird nests; erosion of shoreline) because MPWC are often operated faster, closer to shore and repeatedly in the same area (Snow, 1989).

MPWC are powered by a jet-propelled system that typically involves a two-stroke engine with an exhaust expulsion system that vents into the water. The two-stroke engines found on the vast majority of MPWC in the United States discharge more of their fuel (ranging from 10% to more than 50% of the unburned fuel/oil mixture, depending on manufacturing conditions and operating variables) than four-stroke engines (Tahoe Research Group, 1997). These emissions pose a serious threat to the environment, as two-stroke engines introduce more volatile organic compounds (by as much as a factor of 10) into the water than four-stroke engines (Juttner et al., 1995; Tjarnlund et al., 1995). These emissions can have significant adverse impacts in many areas of the Sanctuary, particularly shallow nearshore coastal areas, estuaries, and open ocean surface waters.

Research indicates that MPWC can increase turbidity and may redistribute benthic invertebrates, and these impacts may be prolonged as a result of repeated use by multiple machines in a limited area. Research has shown that MPWC can foul water with their discharge, and increase local erosion rates by launching and beaching repeatedly in the same locations (Snow, 1989). Research in the Everglades National Park indicated that fishing success dropped to zero when fishing occurred in the same waters used by MPWC, and scientists in the Pacific Northwest have been concerned about the effects of MPWC on spawning salmon (Snow, 1989; Sutherland and Ogle, 1975). Research in Florida indicates that MPWC cause wildlife to flush at greater distances, with more complex behavioral responses than observed in disturbances caused by automobiles, all-terrain vehicles, foot approach, or motorboats. This was partially attributed by the scientists to the typical operation of MPWC, where they accelerate and decelerate repeatedly and unpredictably, and travel at fast speeds directly toward shore, while motorboats generally slow down as they approach shore (Rodgers, 1997). Scientific research also indicates that even at slower speeds, MPWC were a significantly stronger source of disturbance to birds than were motorboats. Levels of disturbance were further increased when MPWC were used at high speeds or outside of established boating channels (Burger, 1998). Research notes that declining nesting success of grebes, coots, and moorhens in the Imperial National Wildlife Refuge were due to the noise and physical intrusion of MPWC (Snow, 1989). In addition, MPWC have been observed flushing wading birds and nesting osprey from their habitats, contributing to abnormally high numbers of abandoned osprey nests on certain islands in the Florida Keys (U.S. Fish and Wildlife Service, 1992). The number of active osprey nests in the lower Florida Keys ''backcountry'' dropped from five to zero between 1986 and 1990. Biologists believe this was due to MPWC flushing parents from the nests (Cuthbert and Suman, 1995). Research suggests that declines in nesting birds in some states occurred simultaneously with MPWC operation.

Numerous shoreline roost sites exist within the Sanctuary and research has shown that human disturbance at bird roost sites can force birds to completely abandon an area. Published evidence strongly suggests that estuarine birds may be seriously affected by even occasional disturbance during key parts of their feeding cycle, and when flushed from feeding areas, such as eelgrass beds, will usually abandon the area until the next tidal cycle (Kelly, 1997). Seabirds such as common murres and sooty shearwaters often form large aggregations on the surface of the ocean. Feeding aggregations of sooty shearwaters can often number in the thousands and cover significant offshore areas. These feeding flocks are ephemeral in nature and their movement is dictated by the availability of their prey. These seabirds are especially susceptible during these critical periods and disturbance could have negative impacts on them.

There is a general conclusion that marine mammals are more disturbed by watercraft such as MPWC, which run faster, on varying courses, or often change direction and speed, than they are by boats running parallel to shore with no abrupt course or major speed changes. Researchers note that MPWC may be disruptive to marine mammals because they change speed and direction frequently, are unpredictable, and may transit the same area repeatedly in a short period of time. In addition, because MPWC lack low-frequency long distance sounds underwater, they do not signal surfacing mammals or birds of approaching danger until they are very close to them (Gentry, 1996; Osborne, 1996). Possible disturbance effects of MPWC on marine mammals could include shifts in activity patterns and site abandonment by harbor seals and Steller sea lions; site abandonment by harbor porpoise; injuries from collisions; and avoidance by whales (Gentry, 1996; Richardson et al., 1995).

The offshore area of the Sanctuary is a destination feeding ground for endangered blue and humpback whales. Fin, sei, and sperm whales also frequent offshore areas to forage. The recent MPWC bans implemented by PRNS and GGNRA limit the nearshore areas of the Sanctuary where MPWC can be operated and increase the likelihood that MPWC will be used in the Sanctuary's offshore area. The traffic route from the launch site in Bodega Harbor through Bodega Bay to and from this offshore area would put MPWC in offshore feeding areas for federally listed seabirds, marine mammals, and salmon. It would also cross the migration corridor for gray whales and put MPWC in close proximity to gray whale feeding areas in Bodega Bay. Gray whales pass through the Sanctuary twice a year on their migration route between winter calving grounds in Mexico and summertime feeding areas in Alaska.

In 1995, some gray whales began feeding in the Gulf of the Farallones in lieu of completing their yearly migration to Alaskan feeding grounds and some of these animals are beginning to reside in the Gulf year-round. Since 1999, gray whales have been feeding in Bodega Bay in unprecedented numbers. Some individuals have acclimated to conditions in the Sanctuary and are now year round residents. In early summer, gray whales begin foraging in Bodega Bay with the most recent feeding activity documented in early April, 2000 (Dr. Sarah Allen, Point Reyes National Seashore, pers. comm. April 11, 2000).

Historically, there were four launch sites used by MPWC to access Sanctuary waters: Lawson's Landing at Dillon Beach, Millerton Point Park, Inverness, and Bodega Harbor. Millerton Point Park and Inverness are now closed to launching MPWC as a result of the prohibition against MPWC operation in PRNS and GGNRA. Lawson's Landing is in Marin County and was closed to MPWC by the 1999 County ordinance but can be used at the present time because of the tentative ruling by the Marin Superior Court on September 13, 2000, described above. Currently, the only remaining egress into the Sanctuary is from Lawson's Landing and from Bodega Harbor in Sonoma County. Use by MPWC of an egress corridor from Bodega Harbor in Sonoma County would put MPWC in the same vicinity as the feeding whales. Gray whales have not been observed in Bodega Bay when MPWC are using the area. With site affinity not firmly established for gray whales starting to feed in Bodega Bay, it's important that these whales be allowed to forage without repeated disturbance.

Endangered blue whales were also observed feeding two miles off of the Point Reyes headlands during July of 1999. This is unusually close to shore for these animals, whose numbers in the area comprise a major concentration for the world, and who normally forage farther offshore. This unpredictable blue whale feeding activity demonstrates the importance of protecting all of the Sanctuary's waters. As marine mammal populations begin to recover from years of harvesting pressure, it is difficult to predict what areas of the Sanctuary will be utilized. Humpback whales regularly feed in areas outside NOAA's previously proposed 1000 yard buffer (Kiekhefer, 1992). During summer and fall more than 100 humpback whales can be observed moving around the Gulf of the Farallones following concentrations of herring, sardines, or krill that are their favorite prey. Humpbacks use bubble nets and other behavioral adaptations during feeding to drive their prey to the surface where they are trapped by the air-sea interface and captured.

Federally listed Southern sea otter populations are also recovering from near extinction and recolonizing areas within their historic range. Sitings of sea otters in the GFNMS have increased from two individuals in 1992 to 20 animals in 1998 (Dr. Sarah Allen, Point Reyes National Seashore, pers. comm. July, 1999). Prior to the designation of the Monterey Bay National Marine Sanctuary, an otter in that area was struck and killed by an MPWC. (NOAA 1990, Volume 1). Operation of MPWC in GFNMS could put these animals at risk in an area that appears to be providing habitat and an opportunity for the species' survival.

In Sanctuary waters beyond three nautical miles are found 11 federally endangered and 7 threatened species of birds, fish, turtles, and marine mammals, and 50% of all the ashy storm petrels in the world and 90% of all the common murres in their southern range. These waters are a destination feeding area for concentrations of endangered blue and humpback whales, feeding summer resident fin, sei and sperm whales, endangered winter run chinook and coho salmon.

MPWC have significant potential to interfere with a large number of other Sanctuary users. Numerous respondents to the Notice of Inquiry/Request for Information and the April 23, 1999, proposed rule and the subsequent revised proposed rule on May 22, 2000, noted that MPWC were interfering with, and often jeopardizing the well-being of, swimmers, kayakers, canoeists, and other boaters and users of the Sanctuary. MPWC have been involved in numerous accidents, and thus pose a hazard to other vessels and water users. Although MPWC make up approximately 11% of vessels registered in the country (U.S. Dept. of Interior, 1998c), Coast Guard statistics show that in 1996 MPWC were involved in 36% of all watercraft accidents (U.S. Coast Guard, 1999). In addition, numerous commentors noted that the operation of MPWC diminishes the aesthetic qualities of many coastal and ocean areas, and may interfere with other economic uses, such as tourism.

II. Summary of Comments and Responses

Comment 1: MPWC operation should be prohibited throughout the entire Sanctuary.

Response: NOAA agrees. After consideration of all comments, the latest biological information on impacts of MPWC in offshore areas, regulations promulgated by other resource agencies with adjacent or overlapping jurisdiction, and conflicts with other Sanctuary users, NOAA has concluded that a Sanctuary-wide prohibition on the operation of MPWC is necessary and the best way to protect the Sanctuary's resources.

Comment 2: MPWC operation should not be prohibited throughout the entire Sanctuary.

Response: NOAA disagrees. See response to Comment 1.

Comment 3: MPWC should be regulated by a seasonal ban because the presence of whales in the Sanctuary is seasonal.

Response: NOAA disagrees. A seasonal ban will not provide adequate year-round protection to whales in the GFNMS. NOAA believes that a seasonal ban will not give adequate protection to Gray whales because Gray whales have been observed in the Sanctuary every month of the year since 1995. Prior to that, Gray whales were commonly seen from March 1–December 1 and often seen in February. As indicated in the final EA, researchers have indicated that MPWC may disrupt marine mammals because MPWC change speed and direction frequently, are unpredictable, and may transit the same area repeatedly in a short period of time. Although MPWC lack low-frequency long distance sounds underwater this does not mean that marine mammals are not adversely impacted by MPWC noise. Whether the noise is heard at close range or farther away, it still will disturb marine mammals which may cause shifts in activity patterns, site abandonment, or avoidance. Since

marine mammals are limited to close range detection of MPWC noise and activity there is a greater chance of collision.

In addition, whales are not the only wildlife that inhabit the Sanctuary that are disturbed and negatively impacted by the use of MPWC. A seasonal closure may only offer protection to one or two specific species, but not to the other 33-marine mammals or the hundreds of bird and fish species found throughout the Sanctuary on a year-around basis. Although the concentration of certain species does occur on a seasonal basis, the seasonal overlay among species is continuous throughout the year and a seasonal prohibition would not provide full protection.

A seasonal ban will also not adequately address the other concerns related to MPWC use in the Sanctuary such as noise, conflicts with other Sanctuary users, turbidity, and water quality concerns related to 2-stroke engines. A more detailed explanation of these concerns is found in response to comment numbers 7, 8, and 6.

Comment 4: MPWC threaten and disturb wildlife in the Sanctuary.

Response: NOAA agrees. Research in Florida indicates that MPWC cause wildlife to flush at greater distances, with more complex behavioral responses than observed in disturbances caused by automobiles, all-terrain vehicles, foot approach, or motorboats. This was partially attributed by the scientists to the typical operation of MPWC, where they accelerate and decelerate repeatedly and unpredictably, and travel at fast speeds directly toward shore, while motor boats generally slow down as they approach shore (Rodgers, 1997). Scientific research also indicates that even at slower speeds, MPWC were a significantly stronger source of disturbance to birds than were motor boats. Levels of disturbance were further increased when MPWC were used at high speeds or outside of established boating channels (Burger, 1998).

There is a general conclusion that marine mammals are more disturbed by watercraft such as MPWC, which run faster, on varying courses, or often change direction and speed, than they are by boats running parallel to shore with no abrupt course or major speed change. In addition, because MPWC lack low-frequency long distance sounds underwater, they do not signal surfacing mammals or birds of approaching danger until they are very close to them (Gentry, 1996; Osborne, 1996). Documented disturbance effects of MPWC on marine mammals could include shifts in activity patterns and site abandonment by harbor seals and Steller sea lions; site abandonment by harbor porpoise; injuries from collisions; and avoidance by whales (Gentry, 1996; Richardson et al., 1995).

Comment 5: MPWC disturb the tranquility of the Sanctuary.

Response: NOAA agrees. The use of MPWC can conflict with other users of the Sanctuary who use it solely for aesthetic purposes.

Comment 6: MPWC cause ''unacceptable'' pollution as a result of their two-stroke engines.

Response: NOAA agrees. MPWC are powered by a jet-propelled system that typically involves a two-stroke engine with an exhaust expulsion system that vents directly into the water. The two-stroke engines found on the vast majority of MPWC in the United States discharge more of their fuel (ranging from 10% to more than 50% of the unburned fuel/oil mixture, depending on manufacturing conditions and operating variables) than four-stroke engines found on many conventional recreational boats (Tahoe Research Group, 1997). These emissions pose a serious threat to the environment, as two-stroke engines introduce more volatile organic compounds (VOCs) (by as much as a factor of 10) into the water than four-stroke engines (Juttner et al., 1995; Tjarnlund et al., 1995). These emissions can have significant adverse impacts in many areas of the Sanctuary, particularly shallow nearshore coastal areas and estuaries.

Comment 7: NOAA proposes to ban MPWC because their two-stroke engines release pollutants into the water even though other recreational vessels with two-stoke engines are free to operate throughout the Sanctuary.

Response: NOAA disagrees. NOAA acknowledges that motorized watercraft with two-stroke engines other than MPWC are not restricted in the Sanctuary but, as indicated in response to comment 6, there are negative water quality impacts associated with MPWC's engine exhaust and subsequent discharge of VOCs into the water column. However, the proposed ban on MPWC two-stroke engines is not the sole reason why NOAA proposes a complete ban of MPWC throughout the Sanctuary. There are several factors NOAA has taken into consideration while proposing this ban of MPWC that cumulatively, indicate that a total ban is necessary including wildlife disturbance, user conflicts, and safety concerns (as detailed in the responses to comments 4, 8, 9, and 17). Other watercraft that are propelled by two-stroke engines do not have the same level of cumulative adverse impacts to Sanctuary resources as that of MPWC, therefore NOAA is not proposing a total ban of their use in Sanctuary waters.

Comment 8: MPWC cause ''unacceptable'' noise levels, that disturb marine wildlife (marine mammals, seabirds) as well as human visitors to the Sanctuary.

Response: NOAA agrees. In general, unless modified by the operator (i.e., removal or alteration of the muffler), MPWC do not appear to be any louder in the air than similarly powered conventional motorized watercraft (MPWC and conventional watercraft both registered between 74 and 84 decibels in tests conducted in 1990) (Woolley, 1996) and appear to be quieter underwater (Gentry, 1996). MPWC may be perceived as being louder than other boats because they can travel faster, closer to shore, often travel in groups, tend to frequently accelerate and decelerate, and ''wake-jump.'' These characteristics create uneven, persistent noise apparently more bothersome to people and potentially to wildlife. In addition, research indicates that the constancy of speed figures into noise generation, as most people adjust to a constant drone and cease to be disturbed by it, even at elevated levels, but the changes in loudness and pitch of MPWC are more disturbing to people than other watercraft (Wagner, 1994). In addition, many MPWC operators alter or remove the mufflers to enhance craft performance, thus increasing the noise generated by their craft.

Comment 9: MPWC operation presents a user conflict with other Sanctuary users and poses a threat to anyone engaging in other recreational activities.

Response: NOAA agrees. The Sanctuary encourages multiple uses of its waters that are compatible with resource protection. When used as designed and in the current manner, MPWC have significant potential to interfere with a large number of other Sanctuary users. Numerous respondents to the proposed rule noted that MPWC were interfering with, and often jeopardizing the well-being of, swimmers, kayakers, canoeists, and other recreational boaters and users of the Sanctuary. MPWC have been involved in numerous accidents, and thus pose a hazard to other water users. Although MPWC make up approximately 11% of vessels registered in the country (U.S. Dept. of Interior, 1998c), Coast Guard statistics show that in 1996, 36% of all watercraft involved in accidents were MPWC (U.S. Coast Guard, 1999). While this accident data is not site specific to the Sanctuary, it does demonstrate that the potential for

accidents does exist and that MPWC have a higher ratio of accidents than other motorized watercraft.

Additional comments received noted that the operation of MPWC in nearshore areas diminishes the aesthetic qualities of many beach and recreational areas, and may interfere with other economic uses of the areas based upon these aesthetic qualities.

Comment 10: A partial ban on MPWC use would be impossible to enforce.

Response: NOAA agrees. A partial ban at 100 yards, 1000 yards, or event three nautical miles would be difficult to enforce. In a tentative ruling issued September 13, 2000, the Superior Court in Marin County rejected the County's ordinance prohibiting MPWC operation was rejected by the Marin for being vague, in part because of the difficulty in knowing where MPWC could be operated in the County's jurisdiction out to three-miles. Before the Marin County ban, there was difficulty enforcing the Point Reyes National Seashore's one quarter mile restriction.

Despite local rider's attempt at self-policing and their efforts to create no ride zones, violations were chronic and regulations were hard to enforce. A total prohibition will provide a clear and simple enforcement rule within the GFNMS, will avoid confusion and will avoid the cost of installation and maintenance of a delineation system.

Delineation of MPWC zones with buoys is in place at the Monterey Bay National Marine Sanctuary (MBNMS) and it is needed for enforcement because MPWC lack standard navigational equipment and chart storage. MBNMS's regulation delineates four near harbor areas and bouys are in place to mark the boundary. The Florida Keys National Marine Sanctuary (FKNMS) does not have a specific MPWC regulation, however there are a number of small areas that are closed to motorized vessels. These areas are delineated by spar buoys or 30 inch buoys every 400 to 600 feet. The annual cost of maintenance and placement of each buoy is $250–$500 respectively (Upper Keys Manager, Lt.Cdr. David Savage, pers.com. October 3, 2000). These buoys are placed in shallow (1–2 fathoms maximum 12 feet) water. Because of weather and sea conditions, the GFNMS would require a 48 inch or larger buoys placed at a depth of 15–41 fathoms (90–246 feet) at a cost of $2,000 to $5,000 each. These larger buoys are needed because of ground tackle requirements for sea conditions. In addition, if the GFNMS were to place buoys 1,200 feet apart (double the width of the FKNMS placement), a minimum of 4,000 buoys would be required to indicate channels and closed areas (5 buoys per nautical mile to mark 80 nautical miles).

Comment 11: NOAA denied commentors due process because public comment meetings were in remote locations and electronic comments were not accepted.

Response: NOAA disagrees. As part of this process, NOAA held one public scoping meeting and two public hearings. All of the meetings were held at the Bear Valley Visitor Center of the Point Reyes National Seashore. This is a central location for the GFNMS and one visited by over 1,300,000 people annually. It is well known and easy to find. In addition, maps to the Center were provided upon request. A private meeting with the industry representatives was also held. Over three months of time was provided for written comments in this and the previous proposed rule.

NOAA believes that it has provided sufficient opportunities for members of the public to comment on this issue and has fulfilled all public notice requirements. NOAA is not required to accept electronic comments and does not yet have a formal policy on this issue.

Comment 12: NOAA's conclusions are based on inaccurate and outdated information.

Response: NOAA has considered the most current information available in its deliberations regarding the regulation of MPWC in the Sanctuary. Much of the information is from 1997 and 1998 data. The sources are reliable, well-known and respected in their fields, and have knowledge and experience in the Gulf of Farallones National Marine Sanctuary. Please refer to source citations located in the Bibliography of the Environmental Assessment.

Comment 13: Prohibiting MPWC operation without prohibiting operation of other motorized craft is unfair discrimination.

Response: NOAA disagrees. No other vessel type has demonstrated so many wide and varied detrimental aspects as MPWC. These aspects include: noise disturbance to wildlife and humans; discharge of VOC pollution and water quality impacts; physical disturbance to marine mammal, bird, and fish from frequent and erratic movement and fast speeds; and interference with other Sanctuary users (swimmers, kayakers, canoeists, other boaters, sailors, hikers, beach goers, whale and bird watchers, and people looking for a wilderness experience and aesthetic appreciation). These impacts are supported by scientific information data and provide justification as to why a ban is necessary. NOAA has not received comments or complaints on these types of cumulative disturbances caused by other vessel types.

Comment 14: NOAA failed to address the current regulations in the Hawaiian Islands Humpback Whale and Florida Keys National Marine Sanctuaries.

Response: NOAA disagrees. NOAA believes that an accurate comparison between the Gulf of the Farallones and the Hawaiian Islands Humpback Whale and Florida Keys National Marine Sanctuaries cannot be made because none of these three Sanctuaries have similar climates, hydrodynamics, boundary and shoreline delineation, or species composition.

The Hawaiian Islands Humpback Whale National Marine Sanctuary protects a single species and it is not required to address the complexity of the species composition at GFNMS, which has 33 marine mammal, 400 bird, and hundreds of fish species. The Florida Keys National Marine Sanctuary (FKNMS) does have a current restriction on MPWC use within 100 yards of residential shoreline to a no-wake speed (including other motorized vessels). However, in October 1999, the FKNMS Sanctuary Advisory Council decided that these strategies had been ineffective and voted to advise the Sanctuary managers to consider new regulations that could result in additional restrictions to MPWC in Florida.

NOAA believes regulations for each National Marine Sanctuary must be considered on a case-by-case basis, taking into account the unique features of each location, including living resources, physical characteristics, and use.

Comment 15: NOAA has changed the regulations as a result of pressure from MPWC opponents.

Response: NOAA disagrees. NOAA has considered all information carefully and in an unbiased manner based on the information found in the scientific literature, public documents, and comments by MPWC users and nonusers alike. Based upon new and recent regulations for areas with contiguous and overlapping boundaries, the latest biological information on impacts of MPWC in offshore areas, as well as conflicts with other Sanctuary users, NOAA has determined that a Sanctuary-wide prohibition on the operation of MPWC is necessary and the best way to adequately protect the Sanctuary's resources. NOAA's initial proposal of a 1,000 yard buffer would have only protected 5% of the Sanctuary from the impacts of MPWC operation, leaving the remaining 95% of the Sanctuary at risk. The complete ban

of MPWC in GFNMS will ensure full protection to marine resource that could otherwise be affected.

The May 22, 2000, **Federal Register** notice for GFNMS withdrawal and notice of proposed rule, specifically states that the action was taken in response to the petition from the Environmental Action Committee of West Marin and to comments received in response to a proposed rule that NOAA published on April 23, 1999. Additional information on effects of MPWC to wildlife in GFNMS has been gathered since the original proposed ban of 1,000 yards from shore. As outlined in the May 22, 2000 notice, observations in July 1999 indicate that blue whales which had previously only been seen offshore at depths of 100 fathoms or more, were observed closer to shore at 40 to 50 fathoms and one sighting at 20 fathoms. These offshore observations of Gray whales and other species such as blue whales, guadalupe fur seals, and humpback whales, all indicate that if the ban were restricted to 1,000 yards the potential for impacts at these offshore distances would not be decreased.

Other reasons as to why NOAA has proposed a complete ban are delineation and enforcement. As discussed in response to comment 10, NOAA's initial proposed ban of 1,000 yards from shore would be difficult and costly to enforce in terms of personnel and buoy installation and maintenance.

Comment 16: NOAA has failed to consider alternatives to a total ban of MPWC in the Sanctuary.

Response: NOAA disagrees. NOAA considered all alternatives described in the Environmental Assessment, which includes a description of the alternative, a discussion of its environmental and socioeconomic impacts, and an analysis of the alternative. The alternatives found in the Environmental Assessment include: no action; creation of zones for the operation of MPWC; banning operation of MPWC from the nearshore area of the Sanctuary; prohibition of operation of MPWC in the entire Sanctuary; and regulation of all recreational vessel traffic in the Sanctuary. NOAA believes that it has developed its regulations fairly and without bias based upon scientific literature, public documents, and comments from MPWC users, nonusers, local citizens, and the MPWC industry.

Comment 17: NOAA cannot rationally prohibit operation of MPWC use throughout GFNMS on the basis of potential conflicts with recreational users concentrated in ''nearshore waters.''

Response: NOAA is not prohibiting MPWC use solely because of user conflicts. As explained in response to comments 4, 6, and 18, other concerns associated with the use of MPWC in the Sanctuary support NOAA's conclusion that operation of MPWC should be prohibited throughout the Sanctuary. While MPWC do interfere with nearshore uses such as swimming, canoeing, and kayaking and cause adverse impacts to nearshore wildlife and habitats, the impacts that MPWC can have on wildlife and water quality in offshore areas is also part of the basis for this action.

Comment 18: NOAA's own data from the National Marine Fisheries Service indicate that MPWC operation does not pose a risk to marine mammals.

Response: NOAA disagrees. The data cited from the Southwest Region of the National Marine Fisheries Service is based only on animals that have washed ashore in a dead or dying state and do not address negative impacts aside from mortality. Morbidity is not the only measure of effects on a marine mammal. It is detrimental to marine mammals, many of which are endangered or threatened, to alter their behavior (their feeding activities and subsequently their survivability) in a significant manner. A comment in support of the prohibition indicated that in one area Gray whales are seen frequently in proximity of other vessels and human activity but are never seen when MPWCs are present. A comment opposed to the prohibition indicated that MPWCs have been operated in the same area and whales have never been observed. Both statements support the contention that Gray whales alter their behavior to avoid MPWCs. Altering animal behavior is contrary to the goals and objectives of the Sanctuary.

As indicated in the EA, researchers have reported that MPWC may be disruptive to marine mammals because MPWC change speed and direction frequently, are unpredictable, and may transit the same area repeatedly in a short period of time. It is true that MPWC lack low-frequency long distance sounds underwater. However, this does not mean that marine mammals are not adversely impacted by the MPWC noise. Whether the noise is heard at close range or farther away, it still will disturb marine mammals which may cause shifts in activity patterns, site abandonment, or avoidance. Since marine mammals are limited to close range detection of MPWC noise and activity there is a greater chance of collision.

Comment 19: NOAA's reference to Coast Guard statistics regarding boating accidents nationally has little relevance given the absence of any reported MPWC accidents in the GFNMS.

Response: NOAA disagrees. MPWC have been involved in numerous accidents, and thus pose a hazard to other water users. Although MPWC make up approximately 11 percent of vessels registered in the country (U.S. Dept. of Interior, 1998c), Coast Guard statistics show that in 1996, 36 percent of all watercraft involved in accidents were MPWC (U.S. Coast Guard, 1999). While this accident data is not site specific to the Sanctuary, it does demonstrate that the potential for accidents does exist and that MPWC have a higher ratio of accidents than other motorized watercraft.

Comment 20: NOAA is unconvincing in its attempt to suggest that the recent efforts by Marin County to ban MPWC use within three miles of shore necessitate a ban by NOAA throughout the Sanctuary. No-wake zones could be established.

Response: As explained in the response to comment 10, the Marin County prohibition was recently overturned in a tentative ruling by the Marin Superior Court. The County is not enforcing the ordinance at this time. Whether the County's ordinance is implemented or not, NOAA is required to protect the marine resources in the GFNMS. NOAA believes that a total ban throughout the Sanctuary is necessary to ensure marine resource protection.

No-wake zones would only provide protection in limited areas but would be very expensive because they would require marker buoys. Sanctuary resources outside of these zones would still be at risk from the effects of MPWC operation.

Comment 21: NOAA continues to advance factual inaccuracies, unfounded assertions, illogical conclusions to support the prohibition. NOAA references studies regarding disturbance of waterfowl and seabirds as a reason to ban MPWC use throughout the entire Sanctuary even though these sources recommend creation of a ''buffer zone.'' NOAA's assertion that MPWC may be perceived as being louder than other boats provides no potential basis for a ban extending throughout the entire Sanctuary.

Response: NOAA disagrees. NOAA's decision to prohibit MPWC was carefully considered and is scientifically defensible. Specifically, NOAA has referenced numerous studies related to MPWC impacts to all types of wildlife (marine mammals, birds, and pinnepeds) found within the Sanctuary's boundaries, not just

waterfowl and seabirds. While studies on waterfowl and seabird recommend the creation of a buffer to reconcile the impacts of MPWC, buffer zones will not sufficiently address the other concerns related to MPWC use throughout the sanctuary such as water pollution, user conflicts, and other wildlife and human disturbance outside of the zones.

Comment 22: MPWC use in the Sanctuary is decreasing.

Response: NOAA disagrees. With the closure of other areas within and around the Sanctuary, such as GGNRA and PRNS, it is unlikely that use in the Sanctuary will decrease. NOAA is not aware of any data indicating that MPWC use is decreasing in GFNMS, other than statements from MPWC users and use trends nationally, which are documented in the United States Coast Guard report (1999).

Comment 23: NOAA's proposed regulation is arbitrary because it would prohibit MPWC operation because of their speed.

Response: NOAA disagrees. As stated in earlier responses, MPWCs have not been proposed to be banned in the Sanctuary because of any single reason such as speed. Speed is one of many aspects of MPWCs, including water quality effects, noise disturbance to humans and wildlife, and user conflicts, that NOAA considered.

III. Summary of Regulations

The regulations for the GFNMS are amended as follows:

The addition to 15 CFR 922.82(a) prohibits operation of MPWC in the Sanctuary. The prohibition includes an exception for the use of MPWC for emergency search and rescue and law enforcement (other than training activities) by Federal, State and local jurisdictions.

The addition to 15 CFR 922.81 provides a definition of ''motorized personal watercraft.'' ''Motorized personal watercraft'' will be defined as ''a vessel which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than the conventional manner of sitting or standing inside the vessel''.

IV. Miscellaneous Rulemaking Requirements

Executive Order 12866: Regulatory Impact

This rule has been determined to be not significant for purposes of Executive Order 12866.

Regulatory Flexibility Act

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration when this rule was proposed that if it was adopted as proposed it would not have a significant economic impact on a substantial number of small entities. No comments were received on the economic impact of the proposed rule on small entities and, therefore, the basis for the certification has not changed.

Accordingly, a Regulatory Flexibility Analysis was not prepared.

Paperwork Reduction Act

This rule would not impose an information collection requirement subject to review and approval by OMB under the Paperwork Reduction Act of 1980, 44 U.S.C. 3500 *et seq.*

National Environmental Policy Act

NOAA has concluded that this regulatory action does not constitute a major federal action significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required. A draft environmental assessment has been prepared. It is available for comment from the address listed at the beginning of this notice.

List of Subjects in 15 CFR Part 922

Administrative practice and procedure, Coastal zone, Education, Environmental protection, Marine resources, Penalties, Recreation and recreation areas, Reporting and recordkeeping requirements, Research.

Alan Neuschatz,

Chief Financial Officer/Chief Administrative Officer, Ocean Services and Coastal Zone Management.

Accordingly, for the reasons set forth above, 15 CFR Part 922, Subpart H, is amended as follows:

PART 922, NATIONAL MARINE SANCTUARY PROGRAM REGULATIONS

1. The authority citation for Part 922 continues to read as follows:

Authority: 16 U.S.C. 1431 *et seq.*

2. Section 922.81 is amended by adding the following definition, in the appropriate alphabetical order.

§ 922.81 Definitions.

* * * * *

Motorized personal watercraft means a vessel which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than the conventional manner of sitting or standing inside the vessel.

3. Section 922.82 is amended by adding new paragraph (a)(7) as follows:

§ 922.82 Prohibited or otherwise regulated activities.

(a) * * *

(7) Operation of motorized personal watercraft, except for the operation of motorized personal watercraft for emergency search and rescue mission or law enforcement operations (other than routine training activities) carried out by National Park Service, U.S. Coast Guard, Fire or Police Departments or other Federal, State or local jurisdictions.

* * * * *

[FR Doc. 01–22637 Filed 9–7–01; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 872, 878, 880, 882, 884, and 892

[Docket No. 01N–0073]

Medical Devices; Exemption From Premarket Notification Requirements; Class I Devices

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: In the **Federal Register** of July 25, 2001 (66 FR 38786), the Food and Drug Administration (FDA) amended its medical device classification regulations for class I devices to specifically add a reference to the general limitations on exemptions from premarket notification requirements from each generic device classified as exempt in each section. As published, an exemption from the premarket notification requirements and a reference to the general limitations language was inadvertently added to 12 device classifications that should not include the reference. These devices are not exempt from the requirements of premarket notification. This document corrects those errors.

DATES: This rule is effective September 10, 2001.

FOR FURTHER INFORMATION CONTACT: Heather S. Rosecrans, Center for Devices and Radiological Health (HFZ–404), 9200 Corporate Blvd., Rockville, MD 20850, 301–594–1190.

SUPPLEMENTARY INFORMATION:

I. Background

Provisions under section 206 of the Food and Drug Administration Modernization Act (FDAMA) exempt certain class I devices from the premarket notification requirements of the Federal Food, Drug, and Cosmetic Act (the act). To implement the new law, FDA evaluated all class I devices to determine which device types should become exempt under the new provisions and which device types should remain subject to the requirements of 510(k) of the act (21 U.S.C. 360(k)). FDA then amended its classification regulations through a series of publications in the **Federal Register** (63 FR 63222, November 12, 1998; 65 FR 2296, January 14, 2000; 63 FR 5387, February 2, 1998; and 66 FR 38786). The most recent amendment (66 FR 38786) revised statutory citations for over 500 devices in order to reference the limitation provisions found in each device classification regulation for devices that were exempt from the premarket notification requirements for clarity and convenience. During preparation of the final rule, however, certain devices were inadvertently included in a list of devices to be amended, and were erroneously changed by adding the limitations language and an exemption from premarket notification. This document corrects those errors.

II. Environmental Impact

The agency has determined under 21 CFR 25.30(h) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

III. Analysis of Impacts

FDA has examined the impact of this rule under Executive Order 12866 and the Regulatory Flexibility Act (5 U.S.C. 601–612) (as amended by subtitle D of the Small Business Regulatory Fairness Act of 1996 (Public Law 104–121)), and the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The agency believes that this rule is consistent with the regulatory philosophy and principles identified in the Executive order. In addition, this rule is not a significant regulatory action as defined by the Executive order and so is not subject to review under the Executive order.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because this rule does not change the status quo for these devices, the agency certifies that this final rule will not have a significant negative economic impact on a substantial number of small entities. Section 202(a) of the Unfunded Mandates Reform Act of 1995 (Public Law 104–4) requires that agencies prepare a written statement of anticipated costs and benefits before proposing any rule that may result in an expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million in any one year (adjusted annually for inflation). The Unfunded Mandates Reform Act does not require FDA to prepare a statement of costs and benefits for the final rule, because the final rule is not expected to result in any 1-year expenditure that would exceed $100 million.

IV. Paperwork Reduction Act of 1995

This final rule contains no collections of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

List of Subjects

21 CFR Parts 872, 878, 880, 882, and 884

Medical devices.

21 CFR Part 892

Medical devices, Radiation protection, X-rays.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 872, 878, 880, 882, 884, and 892 are amended as follows:

PART 872—DENTAL DEVICES

1. The authority citation for 21 CFR part 872 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

2. Section 872.6710 is amended by revising paragraph (b) to read as follows:

§ 872.6710 Boiling water sterilizer.

* * * * *

(b) *Classification.* Class I (general controls).

PART 878—GENERAL AND PLASTIC SURGERY DEVICES

3. The authority citation for 21 CFR part 878 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

4. Section 878.4460 is amended by revising paragraph (b) to read as follows:

§ 878.4460 Surgeon's glove.

* * * * *

(b) *Classification.* Class I (general controls).

PART 880—GENERAL HOSPITAL AND PERSONAL USE DEVICES

5. The authority citation for 21 CFR part 880 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

6. Section 880.5680 is amended by revising paragraph (b) to read as follows:

§ 880.5680 Pediatric position holder.

* * * * *

(b) *Classification.* Class I (general controls). The device is exempt from the good manufacturing practice regulation in part 820 of this chapter, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

7. Section 880.6250 is amended by revising paragraph (b) to read as follows:

§ 880.6250 Patient examination glove.

* * * * *

(b) *Classification.* Class I (general controls).

8. Section 880.6375 is amended by revising paragraph (b) to read as follows:

§ 880.6375 Patient lubricant.

* * * * *

(b) *Classification.* Class I (general controls).

9. Section 880.6760 is amended by revising paragraph (b) to read as follows:

§ 880.6760 Protective restraint.

* * * * *

(b) *Classification.* Class I (general controls).

PART 882—NEUROLOGICAL DEVICES

10. The authority citation for 21 CFR part 882 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

11. Section 882.1030 is amended by revising paragraph (b) to read as follows:

§ 882.1030 Ataxiagraph.

* * * * *

(b) *Classification.* Class I (general controls).

12. Section 882.1420 is amended by revising paragraph (b) to read as follows:

§ 882.1420 Electroencephalogram (EEG) signal spectrum analyzer.

* * * * *

(b) *Classification.* Class I (general controls).

PART 884—OBSTETRICAL AND GYNECOLOGICAL DEVICES

13. The authority citation for 21 CFR part 884 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

14. Section 884.2980 is amended by revising paragraph (a)(2) to read as follows:

§ 884.2980 Telethermographic system.

(a) * * *

(2) *Classification.* Class I (general controls).

* * * * *

15. Section 884.2982 is amended by revising paragraph (a)(2) to read as follows:

§ 884.2982 Liquid crystal thermographic system.

(a) * * *

(2) *Classification.* Class I (general controls).

* * * * *

PART 892—RADIOLOGY DEVICES

16. The authority citation for 21 CFR part 892 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

17. Section 892.1100 is amended by revising paragraph (b) to read as follows:

§ 892.1100 Scintillation (gamma) camera.

* * * * *

(b) *Classification.* Class I (general controls).

18. Section 892.1110 is amended by revising paragraph (b) to read as follows:

§ 892.1110 Positron camera.

* * * * *

(b) *Classification.* Class I (general controls).

Dated: August 23, 2001.

Linda S. Kahan,

Deputy Director, Center for Devices and Radiological Health.

[FR Doc. 01–22577 Filed 9–7–01; 8:45 am]

BILLING CODE 4160–01–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA–4152a; FRL–7050–1]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC and NO_X RACT Determinations for 14 Individual Sources in the Philadelphia-Wilmington-Trenton Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the Commonwealth of Pennsylvania's State Implementation Plan (SIP). The revisions were submitted by the Pennsylvania Department of Environmental Protection (PADEP) to establish and require reasonably available control technology (RACT) for 14 major sources of volatile organic compounds (VOC) and/or nitrogen oxides (NO_X). These sources are located in the Philadelphia-Wilmington-Trenton ozone nonattainment area (the Philadelphia area). EPA is approving these revisions to the SIP in accordance with the Clean Air Act (CAA).

DATES: This rule is effective on October 25, 2001, without further notice, unless EPA receives adverse written comment by October 10, 2001. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be mailed to David L. Arnold, Chief, Air Quality Planning & Information Services Branch, Air Protection Division, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Ray Chalmers at (215) 814–2061, the EPA Region III address above or by e-mail at *chalmers.ray@epa.gov.* Please note that while questions may be posed via telephone and e-mail, formal comments must be submitted, in writing, as indicated in the **ADDRESSES** section of this document.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to sections 182(b)(2) and 182(f) of the Clean Air Act (CAA), the Commonwealth of Pennsylvania (the Commonwealth or Pennsylvania) is required to establish and implement RACT for all major VOC and NO_X sources. The major source size is determined by its location, the classification of that area and whether it is located in the ozone transport region (OTR). Under section 184 of the CAA, RACT as specified in sections 182(b)(2) and 182(f) applies throughout the OTR. The entire Commonwealth is located within the OTR. Therefore, RACT is applicable statewide in Pennsylvania.

State implementation plan revisions imposing reasonably available control technology (RACT) for three classes of VOC sources are required under section 182(b)(2). The categories are: (1) All sources covered by a Control Technique Guideline (CTG) document issued between November 15, 1990 and the date of attainment; (2) All sources covered by a CTG issued prior to November 15, 1990; (3) All other major non-CTG rules were due by November 15, 1992. The Pennsylvania SIP has approved RACT regulations and requirements for all sources and source categories covered by the CTGs.

On February 4, 1994, PADEP submitted a revision to its SIP to require major sources of NO_X and additional major sources of VOC emissions (not covered by a CTG) to implement RACT. The February 4, 1994 submittal was amended on May 3, 1994 to correct and clarify certain presumptive NO_X RACT requirements. In the Philadelphia area, a major source of VOC is defined as one having the potential to emit 25 tons per year (tpy) or more, and a major source of NO_X is also defined as one having the potential to emit 25 tpy or more. Pennsylvania's RACT regulations require sources, in the Philadelphia area, that have the potential to emit 25 tpy or more of VOC and sources which have the potential to emit 25 tpy or more of NO_X to comply with RACT by May 31, 1995. The regulations contain technology-based or operational ''presumptive RACT emission limitations'' for certain major NO_X sources. For other major NO_X sources, and all major non-CTG VOC sources (not otherwise already subject to RACT under the Pennsylvania SIP), the

regulations contain a ''generic'' RACT provision. A generic RACT regulation is one that does not, itself, specifically define RACT for a source or source categories but instead allows for case-by-case RACT determinations. The generic provisions of Pennsylvania's regulations allow for PADEP to make case-by-case RACT determinations that are then to be submitted to EPA as revisions to the Pennsylvania SIP.

On March 23, 1998 EPA granted conditional limited approval to the Commonwealth's generic VOC and NO_X RACT regulations (63 FR 13789). In that action, EPA stated that the conditions of its approval would be satisfied once the Commonwealth either (1) certifies that it has submitted case-by-case RACT proposals for all sources subject to the RACT requirements currently known to PADEP; *or* (2) demonstrates that the emissions from any remaining subject sources represent a de minimis level of emissions as defined in the March 23, 1998 rulemaking. On April 22, 1999, PADEP made the required submittal to EPA certifying that it had met the terms and conditions imposed by EPA in its March 23, 1998 conditional limited approval of its VOC and NO_X RACT regulations by submitting 485 case-by-case VOC/ NO_X RACT determinations as SIP revisions and making the demonstration described as condition 2, above. EPA determined that Pennsylvania's April 22, 1999 submittal satisfied the conditions imposed in its conditional limited approval published on March 23, 1998. On May 3, 2001 (66 FR 22123), EPA published a rulemaking action removing the conditional status of its approval of the Commonwealth's generic VOC and NO_X RACT regulations on a statewide basis. The regulation currently retains its limited approval status. Once EPA has approved the case-by-case RACT determinations submitted by PADEP to satisfy the conditional approval for subject sources located in Bucks, Chester, Delaware, Montgomery and Philadelphia Counties; the limited approval of Pennsylvania's generic VOC and NO_X RACT regulations shall convert to a full approval for the Philadelphia area.

It must be noted that the Commonwealth has adopted and is implementing additional ''post RACT requirements'' to reduce seasonal NO_X emissions in the form of a NO_X cap and trade regulation, 25 Pa Code Chapters 121 and 123, based upon a model rule developed by the States in the OTR. That rule's compliance date is May 1999. That regulation was approved as a SIP revision on June 6, 2000 (65 FR 35842). Pennsylvania has also adopted regulations to satisfy Phase I of the NO_X SIP call and submitted those regulations to EPA for SIP approval. Pennsylvania's SIP revision to address the requirements of the NO_X SIP Call Phase I consists of the adoption of Chapter 145—Interstate Pollution Transport Reduction and amendments to Chapter 123—Standards for Contaminants. On May 29, 2001 (66 FR 29064), EPA proposed approval of the Commonwealth's NO_X SIP call rule SIP submittal. EPA expects to publish the final rulemaking in the **Federal Register** in the near future. Federal approval of a case-by-case RACT determination for a major source of NO_X in no way relieves that source from any applicable requirements found in 25 PA Code Chapters 121, 123 and 145.

II. Summary of the SIP Revisions

On December 7, 1998, February 2, 1999, April 20, 1999, March 23, 2001 (two separate submissions), and July 5, 2001, PADEP submitted revisions to the Pennsylvania SIP to establish and impose RACT for several sources of VOC and/or NO_X. This rulemaking pertains to fourteen (14) of those sources. The remaining sources are or have been the subject of separate rulemakings. The Commonwealth's submittals consist of plan approvals and operating permits which impose VOC and/or NO_X RACT requirements for each source. These sources are all located in the Philadelphia area. The table below identifies the sources and the individual plan approvals (PAs) and operating permits (OPs) which are the subject of this rulemaking. A summary of the VOC and/or NO_X RACT determinations for each source follows the table.

PENNSYLVANIA—VOC AND NO_X RACT DETERMINATIONS FOR INDIVIDUAL SOURCES

Source	County	PA # or OP #	Source type	Pollutant
Aldan Rubber Company	Philadelphia	PA–1561	Rubber Coated Fabric Maker	VOC.
Arbill Industries, Inc	Philadelphia	PA–51–3811	Industrial Laundry	VOC.
Bethlehem Lukens Plate	Montgomery	OP–46–0011	Steel Plate Production	NO_X & VOC.
Braceland Brothers, Inc	Philadelphia	PA–3679	Printing Facility	VOC.
Graphic Arts, Inc.	Philadelphia	PA–2260	Printing Facility	VOC.
International Business Systems	Montgomery	OP–46–0049	Printing Facility	VOC.
McWhorter Technologies	Philadelphia	PA–51–3542	Specialty Resins Producer	VOC.
Montenay Montgomery Ltd	Montgomery	OP–46–0010A	Municipal Waste Combustor	NO_X.
Newman and Company	Philadelphia	PA–3489	Paperboard Producer	NO_X.
Northeast Foods	Bucks	OP–09–0014	Bakery	VOC.
Northeast Water Pollution Control Plant (Philadelphia Water Department).	Philadelphia	PA–51–9513	Wastewater Treatment Plant	VOC & NO_X.
O'Brien (Philadelphia) Cogeneration, Inc.—Northeast Water Pollution Control Plant.	Philadelphia	PA–1533	Electric Generation Facility	NO_X.
O'Brien (Philadelphia) Cogeneration, Inc.—Southwest Water Pollution Control Plant.	Philadelphia	PA–1534	Electric Generation Facility	NO_X.
Pearl Pressman Liberty	Philadelphia	Plan Approval #7721 ..	Printing Facility	VOC.

A. Aldan Rubber Company

Aldan Rubber Company (Aldan) has a plant located in Philadelphia, Pennsylvania which produces custom rubber coated fabric. Several installations at this source are subject to categoric specific SIP-approved RACT requirements adopted by the Commonwealth in accordance with applicable CTGs. The small boiler is subject to the SIP-approved presumptive RACT for NO_X found at 25 Pa. Code

129.93 (b)(2). Forty-two mixing churns and a crumber unit require case-by-case RACT determinations to control VOCs. The Philadelphia Air Management Services (AMS) issued PA–1561 to Aldan to establish and impose RACT. The PADEP submitted PA–1561 to EPA as a SIP revision on behalf of the AMS. PA–1561 establishes RACT for the 42 rubber-solvent churns as the use of a carbon adsorber system, which PA–1561 requires to be maintained in accordance with manufacturer's specifications. PA–1561 establishes RACT for the crumber unit as use of a condenser. The PA requires the crumber condenser temperature to be maintained at less than 80 degrees F. The PA also specifies that the crumber unit's VOC emissions shall be limited to 4 pounds per hour and 2.7 tons per year. PA–1561 requires a control efficiency test on the carbon adsorber unit once every five years, and also requires records to be kept of the concentration of organic material in the exhaust of the carbon adsorber unit and of the maintenance conducted on the unit. PA–1561 requires a daily log to be kept of the temperature of the crumber condenser. In addition, PA–1561 requires Aldan to keep all the records and other data required to demonstrate compliance with the RACT requirements of 25 Pa. Code 129.91–129.94.

B. Arbill Industries, Inc.

Arbill Industries, Inc. (Arbill) has a plant in Philadelphia, Pennsylvania which is an industrial laundry and petroleum based dry-cleaning facility. Arbill is a major source of VOC. The AMS issued Arbill Industries PA–51–3811 to establish RACT. The PADEP submitted PA–51–3811 to EPA as a SIP revision on behalf of the AMS. The facility consists of several VOC emitting sources including 2 heavy-duty petroleum solvent dry cleaning washers, 10 textile dryers with built-in condensers, 3 vacuum stills for petroleum solvent, and 26 hampers. PA–51–3811 requires a RACT program consisting of the reduction of evaporative losses from washing, drying, and transfer operations. This program includes the following: (1) eliminating fugitive emissions from the dryer by replacement of the cooling towers to allow the cooling water in the dryer condensers to be kept at the constant temperatures required for complete recovery; (2) using of petroleum cleaning solvents that have higher flash points; (3) retrofitting the Hoyt dryers with three temperature gauges, installed next to the loading door, to measure the temperature of the dryer, of the air exiting the condenser, and of the outlet water from the condenser; (4) maintaining the proper operating temperature range for each dryer; (5) not operating any dryer that is not within the proper operating temperature range; (6) placing covers over all hampers used to transfer textiles after the wash cycle to reduce fugitive emissions; and (7) placing covers over all hampers containing solvent laden textiles awaiting processing. PA–51–3811 requires Arbill to keep records of solvent usage, of solvent chemical composition, of solvent purchases and inventories, of the reconciliation of solvent purchases and inventories with actual usage, of the three temperature readings from each Hoyt dryer (taken once per load per dryer), and of the operating hours of each unit. PA–51–3811 also requires Arbil to keep all records and other data required to demonstrate compliance with the RACT requirements of 25 Pa. Code 129.91–129.94.

C. Bethlehem Lukens Plate

Bethlehem Lukens Plate (Bethlehem) operates a plant located in Montgomery County, Pennsylvania which produces carbon, alloy, and stainless steel plates. Bethlehem is a major source of NO_X and VOC. Many installations and processes at this source are subject to categoric specific SIP-approved RACT requirements adopted by the Commonwealth in accordance with applicable CTGs and to SIP-approved presumptive RACT requirements to control NO_X. Other installations and processes require case-by-case RACT determinations. The PADEP issued Bethlehem OP–46–0011 to establish RACT. OP–46–0011 establishes the following NO_X RACT emission limits:

Furnace	NO_X emission limit, tons per year*
Slab Heating Furnace	85.97
Slab Heating Furnace	187.34
Rose Annealing Furnace	36.84
Quench Furnace	50.55
Temper Furnace	19.78

* To be met on a 12-month rolling basis.

OP–46–0011 also requires the fuel usage of the furnaces to be limited as per the following Table and the annual NO_X emissions to be determined by multiplying the annual usage of natural gas by the corresponding emission factor:

Source	NG fuel usage (thousand cubic feet)		Emission factor
	Monthly	Annual	LB NO_X/1000CF NG
Slab Heating Furnace 1	156,240	1,874,880	0.388
Slab Heating Furnace 2	151,821	1,821,848	0.198
Rose Annealing Furnace	46,988	575,856	0.140
Quench Furnace	74,638	895,657	0.140
Temper Furnace	23,570	282,839	0.100

In addition, OP–46–0011 also specified that RACT for the furnaces includes maintenance and operation in accordance with manufacturer's specifications as well as in accordance with good air pollution control practices. OP–46–0011 also includes requirements which make four emergency generators rated at 1000, 300, 150, and 125 KW subject to the presumptive NO_X RACT requirements of 25 Pa. Code section 129.93(c)(5). The permit requires that they shall not operate more than 500 hours in any consecutive 12 month period. The permit also requires that they be maintained and operated in accordance with manufacturers' specifications as well as in accordance with good air pollution control practices. With respect to VOC emissions, OP–46–0011 requires that the VOC emissions from each of the following sources or processes shall never exceed 3 pounds per hour, 15 pounds per day, or 2.7 tons per year: a 200 HP steam generator, a 300 HP steam generator, a Drever furnace, a quench furnace, a temper furnace, slab heating furnaces No. 1 and No. 2, miscellaneous cutting torches, a rose annealing furnace, space heaters, slab preheaters No. 1 through No. 4, APB Preheaters No. 1 through No. 3, four emergency generators (1000 KW, 300 KW, 150KW, & 125 KW), one emergency waste water treatment plant (WWTP) diesel pump,

above ground storage tanks, a propane vaporizer, VOC emissions from miscellaneous cleaning fluids used for maintenance, Safety-Kleen or similar parts washers, freeze protection, VOC emissions from miscellaneous maintenance painting, and VOC emissions from maintenance lubricant sprays. The permit also requires that these units or operations shall be maintained and operated in accordance with manufacturers' specifications as well as in accordance with good air pollution control practices. OP–46–0011 requires Lukens to keep records of the fuel used per month for each furnace on a 12-month rolling basis, the number of hours of operation in any 12 consecutive month period for each emergency generator described in Condition 6, and of all additional data required by 25 Pa. Code 129.95.

D. Braceland Brothers, Inc.

Braceland Brothers, Inc. is a printing facility located in Philadelphia, Pennsylvania. Braceland is a major source of VOC. The AMS issued PA–3679 to establish RACT. The PADEP submitted PA–3679 to EPA as a SIP revision on behalf of the AMS. PA–3679 establishes RACT requirements for 1 non-heatset web offset lithographic printing press, 3 heatset web offset lithographic printing presses, and 2 non-heatset sheetfed offset lithographic printing presses. PA–3679 specifies that RACT consists of the use of inks, fountain solutions, and cleaning solutions which meet specified lower VOC content limitations. PA–3679 requires that the VOC fraction of the ink (minus water), as applied to the substrate, shall not exceed 25 percent by weight. PA–3679 also requires that the VOC content of the fountain solutions for the web presses, as applied, shall be maintained at or below 5.0 percent by weight, and that the fountain solutions shall contain no alcohol. PA–3679 also specifies that the VOC content of the fountain solutions for the sheetfed presses, as applied, shall be maintained at or below 5.0 percent by weight or shall be maintained at or below 8.5 percent by weight and refrigerated to 60 degrees F or less. Finally, PA–3679 specifies that cleaning solutions shall either: (1) Have a VOC content, as applied, less than or equal to 30 percent by weight, (2) have a VOC composite partial pressure, as used, less than or equal to 10 mm Hg at 68 degrees F, or (3) be used in amounts which do not exceed 55 gallons over any 12-month rolling period. PA–3679 requires that detailed records to be kept pertaining to the inks, fountain solutions, and cleaning solutions to determine compliance. The PA also specifies that a record of VOC emissions per press, using a mass balance equation, shall be shall be maintained on a rolling 12 month basis. In addition, it requires that material purchases and inventories shall be maintained and reconciled with actual usage. PA–3679 also contains a general requirement to keep all the records and other data needed to demonstrate compliance with the VOC RACT requirements of 25 Pa. Code § 129.91–129.94.

E. Graphic Arts, Inc.

Graphic Arts, Inc. is a lithographic printing facility located in Philadelphia, Pennsylvania. The plant is a major source of VOC. The AMS issued PA–2260 to establish and impose RACT. The PADEP submitted PA–2260 to EPA as a SIP revision on behalf of the AMS. PA–2260 establishes RACT for five non-heatset sheetfed lithographic printing presses. PA–2260 requires as the use of: (1) Inks with a VOC fraction of no more than 25 percent by weight; (2) fountain solutions with a VOC fraction of no more than 20 percent by volume; and (3) cleaning solutions with either a VOC content (as applied) less than or equal to 30 percent by weight, or a VOC composite partial pressure (as used) less than or equal to 10 mm Hg at 68 degrees F, or which are used in quantities which do not exceed 55 gallons over any 12-month rolling period. To determine compliance with these requirements, PA–2260 requires detailed records to be kept pertaining to the inks, fountain solutions, and cleaning solutions. The permit also contains a general requirement to keep all the records and other data needed to demonstrate compliance with the VOC RACT requirements of 25 Pa. Code 129.91–129.94.

F. International Business Systems, Inc.

International Business Systems, Inc. (International Business Systems) is a printing facility located in Montgomery County, Pennsylvania. The plant is a major source of VOC. PADEP issued OP–46–0049 to establish and impose RACT. OP–46–0049 includes RACT requirements for 10 non-heatset web offset lithographic printing presses, eight tinting units, and miscellaneous units. OP–46–0049 requires that the VOC emissions from the presses be limited to 18 tons per year on a 12-month rolling basis, and limits the VOC emissions from clean-up solvents to 16 tons per year on a 12-month rolling basis. The permit also requires all inks used to be non-heatset inks containing less than 35 percent VOC by weight. Further, OP–46–0049 requires the VOC content of the wetting/fountain solutions when using UV cured inks to be 8 percent or less as applied. However, the permit provides that an ''alternative'' fountain solution which does not exceed 10% VOC by weight may be used if the company notifies the PADEP that compliance wetting /fountain solutions are not available. The use of the alternative fountain solution is allowed only until an appropriate lower VOC content fountain solution becomes available. OP–46–0049 limits emissions from the tinting units to 30 tons per year on a 12 month rolling basis. In addition, the permit specifies that operation and maintenance of all VOC emitting units must be in accordance with manufacturer's specifications and good air pollution control practices. Finally, OP–46–0049 specifies that all solvent laden containers shall be closed at all times except during filling or draining, and that all solvent laden towels shall be placed in closed containers immediately after use and then disposed of to minimize VOC emissions. The facility also has some additional miscellaneous VOC emitting equipment, including 1 film and 2 plate processors, 7 collating machines, an alcohol storage tank, 4 parts washers, several space heaters, and a natural gas fired emergency electric generator. The permit limits VOC emissions from these source groups to less than 3 pounds per hour, 15 pounds per day, or 2.7 tons per year. It also requires operation and maintenance in accordance with manufacturer's specifications and good air pollution control practices. OP–46–0049 requires detailed records to be kept pertaining to the inks, fountain solutions, and cleaning solutions. The permit also requires that records be kept in accordance with 25 Pa. Code 129.95.

G. McWhorter Technologies, Inc.

McWhorter Technologies Inc. (McWhorter), located in Philadelphia, Pennsylvania, produces specialty resins used by the coatings industry. McWhorter is a major source of VOC. The AMS issued PA–51–3542 to establish RACT. The PADEP submitted PA–51–3542 to EPA as a SIP revision on behalf of the AMS. PA–51–3542 establishes RACT requirements for reactor vessels, storage tanks, thinning tanks, a scrubber, boilers, space heaters and other combustion equipment. RACT is specified as the: (1) Use of temperature controllers on packed columns to prevent excess vapor loss in reactors, (2) use of an automatic caustic feed system for the scrubber, (3) use of conservation vents on all fixed roof tanks, (4) use of a heat exchanger in the

wastewater treatment system to reduce emissions from storage tanks during processing, (5) use of carbon canisters to treat vapor from the wastewater tanks, (6) closure of all storage vessel lids except during transfer operations, (7) use of mechanical or equivalent seals on all pumps, (8) use of caps, blind flanges, plugs, or second valves to seal open end lines at all times, except during operations, maintenance, or repairs which require process fluid flow through open-ended valves or lines, and (9) use of an equipment inspection and maintenance program. PA–51–3542 requires the Company to keep all records and other data required to demonstrate compliance with RACT requirements of 25 Pa. Code 129.91–129.94.

H. Montenay Montgomery Limited Partnership

Montenay Montgomery Limited Partnership operates a municipal waste combustor in Montgomery County, Pennsylvania. The facility is a major source of NO_X. The PADEP issued OP–46–0010A to establish and impose RACT. The plant has two municipal waste combustors, each rated to burn 600 tons of waste per day. OP–46–0010A specifies that air contaminant emissions from the two municipal waste combustors must be controlled through the use of individual Research-Cottrell spray dryer absorber using Sorbalit 1 reagent to control mercury and acid gases, Research-Cottrell fabric collectors and a selective non-catalytic reduction (SNCR) control system. OP–46–0010A requires that NO_X emissions per combustor (expressed as NO2) shall not exceed a 24-hour daily arithmetic average of 205 parts per million by volume, corrected to 7 percent oxygen, dry basis and, in accordance with 40 CFR 60.33b(d), 109 pounds per hour, and 477.4 tons per year. OP–46–0010A also specifies that the facility shall comply with all applicable requirements in 40 CFR part 60, subpart Cb (relating to Emission Guidelines and Compliance Times for large Municipal Waste Combustors that are constructed on or before September 20, 1994). The permit requires that compliance with the NO_X limits be monitored using continuous emissions monitors. OP–46–0010A requires the facility to keep records of air pollution control system evaluations and records of calibration checks, adjustments, and maintenance on all equipment is subject to the its requirements. In addition to the incinerators, the facility is equipped with an emergency diesel-fired generator. OP–46–0010A specifies that the generator shall not be operated in excess of 500 hours in a consecutive 12 month period, which makes the emergency generator subject to the presumptive RACT requirements specified at 25 Pa. Code Section 129.93(c). OP–46–0010A also specifies that the generator shall be operated and maintained in accordance with the manufacturer's specifications and good air pollution control practices.

I. Newman and Company

Newman and Company (Newman) is a paperboard production facility located in Philadelphia, Pennsylvania. The plant is a major source of NO_X. Many installations and processes at this facility are subject to and to SIP-approved presumptive RACT requirements to control NO_X. The AMS issued PA–3489 to establish and impose RACT. The PADEP submitted PA–3489 to EPA as a SIP revision on behalf of the AMS. PA–3489 limits NO_X emissions from the Union Ironwork boiler (which has a rated firing rate of 118 million Btu per hour and which uses either natural gas or #6 oil as a fuel) to 121 tons per year on a rolling 12-month basis. It also establishes NO_X emissions limits for the boiler of 0.37 lbs/MMBtu when firing natural gas and of 0.43 lbs/MMBtu when firing #6 oil. In addition, PA–3489 requires an annual tune-up of the boiler to be done to ensure that it is meeting the operating standards as specified by the manufacturer. PA–3489 requires a stack test to be done once every five years to determine the boiler's NO_X emissions. PA–3489 also requires the facility to use emissions factors in lbs. NO_X/MMBtu from the most recent stack test to calculate the rolling 12-month total of NO_X emissions from the boiler. PA–3489 further requires the company to submit quarterly reports which shall include the type and amount of fuels burned each day, the heat content of each fuel, the total heating value of the fuel consumed each day, and the 12-month rolling NO_X totals for each individual month in the quarter. PA–3489 also requires the company to keep all records and other data required to demonstrate compliance with RACT requirements of 25 Pa. Code 129.91–129.94.

J. Northeast Foods, Inc.

Northeast Foods, Inc. (Northeast Foods),located in Bucks County, Pennsylvania, produces hamburger rolls and English muffins. The plant is a major source of VOC emissions. PADEP issued OP–09–0014 to establish and impose RACT. OP–09–0014 establishes RACT requirements for three natural gas-fired griddles used to bake English Muffins, a natural gas-fired oven used to bake rolls, and two natural gas-fired boilers with heat input ratings of 6.3 MMBtu/hr each. OP–09–0014 establishes VOC RACT as operation in accordance with manufacturer's specifications and good air pollution control practices. In addition, the permit requires muffin griddle line 3 to remain shutdown and the natural gas line to that oven be turned off. OP–09–0014 specifies that reactivation of this muffin line will require the company to comply with 25 Pa. Code, Chapter 127. The permit requires the company to keep records demonstrating compliance in accordance with its requirements and 25 Pa. Code 129.95. Among other things, the permit requires the Company to record the types and amounts of product produced monthly, the initial yeast content and total yeast action time for each product produced monthly, the spike yeast content and spiking time for each product produced monthly, and the monthly operating hours of each of the ovens.

K. Northeast Water Pollution Control Plant (Philadelphia Water Department)

The Northeast Water Pollution Control Plant , which is operated by the Philadelphia Water Department, is a publicly owned wastewater treatment plant. The plant is a major source of VOC and NO_X. The NO_X emitting installations and processes at this facility are subject to SIP-approved presumptive RACT requirements of 25 Pa. Code 129.93. The AMS issued PA–51–9513 to establish and impose RACT. The PADEP submitted PA–51–9513 to EPA as a SIP revision on behalf of the AMS. The plant emits VOCs from the wastewater treatment process. Excess gas produced by the anaerobic digestion of sludge is flared through waste gas burners. PA–51–9513 specifies that VOC RACT for the wastewater treatment process is adhering to an established good maintenance and operation program. The permit requires the company to determine VOC emissions on a daily basis using the results of a wastewater influent sample taken on a 24 hour basis and the computer program called ''TOXCHEM.'' The permit also requires the Department to keep all records and other data required to demonstrate compliance with the requirements of 25 Pa. Code 129.91–129.94. Among other things, these records are required to include daily influent wastewater flow and associated parameters, and the monthly VOC concentration of the influent. The permit also requires the Department to submit a report on a semi-annual basis which provides, among other things, the

monthly VOC emissions from the facility.

L. O'Brien (Philadelphia) Cogeneration, Inc.—Northeast Water Pollution Control Plant

O'Brien (Philadelphia) Cogeneration, Inc. (O'Brien), located at the City of Philadelphia's Northeast Water Pollution Control Plant, generates electricity. The AMS issued PA–1533 to establish and impose RACT. The PADEP submitted PA–1533 to EPA as a SIP revision on behalf of the AMS. PA–1533 limits the non-methane hydrocarbons from the facility to 1.12 grams per brake horsepower, 31 pounds per hour, and 21tons per year. PA–1533 does establish and impose NO_X RACT requirements for the facility's three Caterpillar Gas engines, rated at 650 kW, 500 kW, and 225 kW, all of which burn digester gas. It also imposes RACT to control NO_X from the facility's seven standby Detroit Diesel engines, each rated at 2340 HP, which burn diesel fuel. PA–1533 requires that the facility's NO_X emission rate shall not exceed 2.00 grams per brake horsepower-hour, 80.00 pounds per hour, and 40 tons per year. PA–1533 also requires the NO_X emissions of the Detroit Diesel engines be vented to a selective catalytic reduction (SCR) system. In addition, PA–1533 specifies that the company shall operate each of the Caterpillar Gas engines a maximum of 8000 hours per year and that it shall operate each of the Detroit Diesel engines a maximum of 250 hours per year. PA–1533 also requires the company to perform a routine maintenance program on each Caterpillar Gas and Detroit Diesel engine every six months. PA–1533 requires that the operating parameters of the engines and the SCR system be maintained to those established as conditions during the time they were stack tested (which occurred at the time of installation). PA–51–1533 requires the Company to keep all records required to demonstrate compliance with the NO_X RACT requirements of 25 Pa. Code 129.91–129.94. These records are required to include operating hours, fuel and lube oil consumption, fuel-to-air ratio, kilowatt hours produced, flow rate, temperature and pressure drop across the SCR, the ammonia flow rate, and records of the routine maintenance program.

M. O'Brien (Philadelphia) Cogeneration, Inc.—Southwest Water Pollution Control Plant

O'Brien (Philadelphia) Cogeneration, Inc. (O'Brien) also operates another cogeneration plant at the City of Philadelphia's Southwest Water Pollution Control Plant. The AMS issued PA–1534 to establish and impose RACT for NO_X. The PADEP submitted PA–1534 to EPA as a SIP revision on behalf of the AMS. PA–1534 restricts the facility's non-methane hydrocarbon emissions to 1.12 grams per brake horsepower, 31 pounds per hour, and 15 tons per year. PA–1534 NO_X RACT requirements for two Dorman Engines and ten standby Detroit Diesel Engines. The Dorman Engines burn digester gas and are each rated at 593 HP. The Detroit Diesel engines are each rated at 1550 HP and burn diesel fuel. PA–1534 requires that the facility's NO_X emissions not exceed 2.00 grams per brake horsepower-hour, 80.32 pounds per hour, and 30 tons per year. PA–1534 also requires that the NO_X emissions of the Detroit Diesel engines be controlled by a selective catalytic reduction (SCR) system. In addition, PA–1534 requires that the facility operate each of the Dorman engines a maximum of 8000 hours per year and each of the Detroit Diesel engines a maximum of 250 hours per year. PA–1534 also requires the Company to perform a routine maintenance program on each Dorman and Detroit Diesel engine every six months. Finally, PA–51–1534 requires the Company to operate the engines and the SCR system using the same operating parameters as were established as operating conditions when the engines were stack tested (which occurred at the time of installation). PA–1534 requires the facility to keep all records required to demonstrate compliance with the NO_X RACT requirements of 25 Pa. Code Sections 129.91–129.94. These records are required to include operating hours, fuel and lube oil consumption, fuel-to-air ratio, kilowatt hours produced, flow rate, temperature and pressure drop across the SCR, the ammonia flow rate, and records of the routine maintenance program.

N. Pearl Pressman Liberty

Pearl Pressman Liberty (Pearl Pressman) operates a printing facility in Philadelphia, Pennsylvania. The facility is a major source of VOC. The AMS issued PA–7721 to establish and impose RACT. The PADEP submitted PA–7721 to EPA as a SIP revision on behalf of the AMS. PA–7721 establishes VOC RACT for 5 non-heatset sheet-fed offset lithographic presses. PA–7721 requires as RACT that this facility use: (1) Inks with a VOC fraction of no more than 25 percent by weight; (2) fountain solutions with a VOC fraction of no more than 20 percent by volume; and (3) cleaning solutions with a VOC content (as applied) less than or equal to 30 percent by weight, or a VOC composite partial vapor pressure (as used) less than or equal to 10 mm Hg at 68 degrees F, or be used in an amount that does not exceed 55 gallons over any 12-month rolling period (except at the automatic blanket cleaner associated with press #1). PA–7721 specifies that the Company may use cleaning solutions at the automatic blanket cleaner associated with press #1 which do not meet the above VOC content or partial vapor pressure requirements if the VOC emissions from the cleaning solutions are not greater than 5 tons per rolling 12 month period. To determine compliance with these requirements, PA–7721 requires detailed records to be kept pertaining to the inks, fountain solutions, and cleaning solutions. The permit also contains a general requirement to keep all the records and other data needed to demonstrate compliance with the VOC RACT requirements of 25 Pa. Code 129.91–129.94.

III. EPA's Evaluation of Pennsylvania's SIP Revisions

EPA is approving Pennsylvania's RACT SIP submittals because the AMS and PADEP established and imposed these RACT requirements in accordance with the criteria set forth in the SIP-approved RACT regulations applicable to these sources. The AMS and PADEP have also imposed record-keeping, monitoring, and testing requirements necessary to be able to determine compliance with the applicable RACT determinations.

IV. Final Action

EPA is approving the SIP revisions to the Pennsylvania SIP submitted by PADEP to establish and require VOC and/or NO_X RACT for 14 major sources located in the Philadelphia area. EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on October 25, 2001 without further notice unless EPA receives adverse comment by October 10, 2001. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action.

Any parties interested in commenting must do so at this time. Please note that if adverse comment is received for a specific source or subset of sources covered by an amendment, section or paragraph of this rule, only that amendment, section, or paragraph for that source or subset of sources will be withdrawn.

V. Administrative Requirements

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.'' See 66 FR 28355, May 22, 2001. This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant. In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 804 exempts from section 801 the following types of rules: (1) rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding today's action under section 801 because this is a rule of particular applicability establishing source-specific requirements for 14 named sources.

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 9, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action approving the Commonwealth's source-specific RACT requirements to control VOC and/or NO_X from 14 individual sources in the Philadelphia area of Pennsylvania may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: August 29, 2001.

Thomas C. Voltaggio,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraph (c)(185) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(185) Revisions to the Pennsylvania Regulations, Chapter 129 pertaining to VOC and NO_X RACT for 14 sources located in the Philadelphia area, submitted by the Pennsylvania Department of Environmental Protection on December 7, 1998, February 2, 1999, April 20, 1999, March 23, 2001 (two separate submissions), and July 5, 2001.

(i) Incorporation by reference.

(A) Letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or NO_X RACT determinations, in the form of plan approvals and operating permits December 7, 1998, February 2, 1999, April 20, 1999, March 23, 2001 (two separate submissions), and July 5, 2001.

(B) Plan approvals (PA), Operating permits (OP) issued to the following sources:

(*1*) International Business Systems, Inc., OP–46–0049, effective October 29, 1998 and as revised December 9, 1999, except for the expiration date.

(*2*) Bethlehem Lukens Plate, OP–46–0011, effective December 11, 1998, except for the expiration date.

(*3*) Montenay Montgomery Limited Partnership, OP–46–0010A, effective April 20, 1999 and as revised June 20, 2000, except for the expiration date.

(*4*) Northeast Foods, Inc., OP–09–0014, effective April 9, 1999, except for the expiration date.

(*5*) Aldan Rubber Company, PA–1561, effective July 21, 2000, except for conditions 1.A.(1), 1.A.(2) and 1.A.(4); and conditions 2.A. and 2.C.

(*6*) Braceland Brothers, Inc., PA–3679, effective July 14, 2000.

(*7*) Graphic Arts, Incorporated, PA–2260, effective July 14, 2000.

(*8*) O'Brien (Philadelphia) Cogeneration, Inc.—Northeast Water Pollution Control Plant, PA–1533, effective July 21, 2000.

(*9*) O'Brien (Philadelphia) Cogeneration, Inc.-Southwest Water Pollution Control Plant, PA–1534, effective July 21, 2000.

(*10*) Pearl Pressman Liberty, PA–7721, effective July 24, 2000.

(*11*) Arbill Industries, Inc., PA–51–3811, effective July 27, 1999, except for condition 5.

(*12*) McWhorter Technologies, PA–51–3542, effective July 27, 1999, except for condition 2.B. and condition 5.

(*13*) Northeast Water Pollution Control Plant, PA–51–9513, effective July 27, 1999, except for condition 1.A.(1), conditions 2.A. and 2.B., and condition 7.

(*14*) Newman and Company, PA–3489, effective June 11, 1997.

(ii) Additional Materials—Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in (c)(185)(i)(B).

[FR Doc. 01–22614 Filed 9–7–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[FRL–7052–7]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; States of Iowa, Kansas, Missouri, and Nebraska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving the small Municipal Waste Combustion (MWC) units section 111(d) negative declarations submitted by the states of Iowa, Kansas, Missouri, and Nebraska. These negative declarations certify that small MWC units subject to the requirements of sections 111(d) and 129 of the Clean Air Act (CAA) do not exist in these states.

DATES: This direct final rule will be effective November 9, 2001 unless EPA receives adverse comments by October 10, 2001. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Comments may be mailed to Wayne Kaiser, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

Copies of documents relative to this action are available for public inspection during normal business hours at the above-listed Region 7 location. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Wayne Kaiser at (913) 551–7603.

SUPPLEMENTARY INFORMATION: Section 111(d) of the CAA requires states to submit plans to control certain pollutants (designated pollutants) at existing facilities (designated facilities) whenever standards of performance have been established under section 111(b) for new sources of the same type, and EPA has established emission guidelines for such existing sources. A designated pollutant is any pollutant for which no air quality criteria have been issued, and which is not included on a list published under section 108(a) or section 112(b)(1)(A) of the CAA, but emissions of which are subject to a standard of performance for new stationary sources.

Emission guidelines for small MWC units were originally promulgated in December 1995 but were vacated by the U.S. Court of Appeals for the District of Columbia Circuit in March 1997. In response to the 1997 vacature, on August 30, 1999, EPA proposed to reestablish emission guidelines for small MWC units. On December 6, 2000 (65 FR 76378), EPA finalized the section 111(d) emission guidelines for existing small MWC units. The emission guidelines contained in this final rule are equivalent to the 1995 emission guidelines for small MWC units. The emission guidelines are codified at 40 CFR part 60, subpart BBBB.

Subpart B of 40 CFR part 60 establishes procedures to be followed and requirements to be met in the development and submission of state plans for controlling designated pollutants. Part 62 of the CFR provides the procedural framework for the submission of these plans. When designated facilities are located in a state, a state must develop and submit a plan for the control of the designated pollutant. However, 40 CFR 62.06 provides that if there are no existing sources of the designated pollutant in the state, the state may submit a letter of certification to that effect, or negative declaration, in lieu of a plan. The negative declaration exempts the state from the requirements of subpart B for that designated pollutant.

The states of Iowa, Kansas, Missouri, and Nebraska have determined there are no existing sources in their states subject to the small MWC units emission guidelines. Consequently, each state has submitted a letter of negative declaration certifying this fact. We are taking final action to approve these negative declarations.

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state negative declarations as meeting Federal requirements and imposes no additional requirements. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves state negative declarations and does not impose any additional enforceable duty, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). For the same reason, this rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This rule will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves state negative declarations relating to a Federal standard, and does

not alter the relationship or the distribution of power and responsibilities established in the CAA. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing state plan submissions, our role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the state to use voluntary consensus standards (VCS), we have no authority to disapprove state submissions for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews state submissions, to use VCS in place of state submissions that otherwise satisfy the provisions of the CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, we have taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the Executive Order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. We will submit a report containing this rule and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 9, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2)).

List of Subjects 40 CFR Part 62

Environmental protection, Air pollution control, Municipal waste combustion units, Nitrogen dioxide, Particulate matter, Sulfur oxides.

Dated: August 30, 2001.

William W. Rice,

Acting Regional Administrator, Region 7.

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 62—[AMENDED]

1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart Q—Iowa

2. Subpart Q is amended by adding an undesignated center heading and § 62.3915 to read as follows:

Air Emissions from Small Existing Municipal Waste Combustion Units

§ 62.3915 Identification of plan—negative declaration.

Letter from the Iowa Department of Natural Resources submitted March 21, 2001, certifying that there are no small municipal waste combustion units subject to 40 CFR part 60, subpart BBBB.

Subpart R—Kansas

3. Subpart R is amended by adding an undesignated center heading and § 62.4180 to read as follows:

Air Emissions From Small Existing Municipal Waste Combustion Units

§ 62.4180 Identification of plan—negative declaration.

Letter from the Kansas Department of Health and Environment submitted February 13, 2001, certifying that there are no small municipal waste combustion units subject to 40 CFR part 60, subpart BBBB.

Subpart AA—Missouri

4. Subpart AA is amended by adding an undesignated center heading and § 62.6359 to read as follows:

Air Emissions From Small Existing Municipal Waste Combustion Units

§ 62.6359 Identification of plan—negative declaration.

Letter from the Missouri Department of Natural Resources submitted March 22, 2001, certifying that there are no small municipal waste combustion units subject to 40 CFR part 60, subpart BBBB.

Subpart CC—Nebraska

5. Subpart CC is amended by adding an undesignated center heading and § 62.6915 to read as follows:

Air Emissions from Small Existing Municipal Waste Combustion Units

§ 62.6915 Identification of plan—negative declaration.

Letter from the Nebraska Department of Environmental Quality submitted June 8, 2001, certifying that there are no small municipal waste combustion units subject to 40 CFR part 60, subpart BBBB.

[FR Doc. 01–22620 Filed 9–7–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–7050–9]

District of Columbia: Final Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: The District of Columbia has applied to EPA for Final authorization of changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has determined that these changes satisfy all requirements needed to qualify for Final authorization, and is authorizing the District's changes through this immediate final action. EPA is publishing this rule to authorize the changes without a prior proposal because we believe this action is not controversial and do not expect comments that oppose it. Unless we get written comments which oppose this authorization during the comment period, the decision to authorize the

District of Columbia's changes to its hazardous waste program will take effect. If we get comments that oppose this action, we will publish a document in the **Federal Register** withdrawing this rule before it takes effect and a separate document in the proposed rules section of this **Federal Register** will serve as a proposal to authorize the changes.

DATES: This Final authorization will become effective on November 9, 2001 unless EPA receives adverse written comment by October 10, 2001. If EPA receives such comment, it will publish a timely withdrawal of this immediate final rule in the **Federal Register** and inform the public that this authorization will not take effect.

ADDRESSES: Send written comments to Charles Bentley, Mailcode 3WC21, RCRA State Programs Branch, U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103–2029, Phone number: (215) 814–3379. We must receive your comments by October 10, 2001. You can view and copy the District of Columbia's application from 8:30 a.m. to 4:30 p.m. at the following addresses: District of Columbia Department of Health, Environmental Health Administration, Bureau of Hazardous Materials and Toxic Substances, Hazardous Waste Division, 51 N Street, NE, 3rd Floor, Washington DC 20002, Phone number (202) 535–2290, attn: James Sweeney, and EPA Region III, Library, 2nd Floor, 1650 Arch Street, Philadelphia, PA 19103–2029, Phone number: (215) 814–5254.

FOR FURTHER INFORMATION CONTACT: Charles Bentley, Mailcode 3WC21, RCRA State Programs Branch, U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103–2029, Phone number: (215) 814–3379.

SUPPLEMENTARY INFORMATION:

A. Why Are Revisions to State Programs Necessary?

States which have received final authorization from EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal program. As the Federal program changes, States must change their programs and ask EPA to authorize the changes. Changes to State programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, States must change their programs because of changes to EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 266, 268, 270, 273 and 279.

B. What Decisions Have We Made in This Rule?

We conclude that the District of Columbia's application to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we grant the District of Columbia Final authorization to operate its hazardous waste program with the changes described in the authorization application. The District of Columbia has responsibility for permitting Treatment, Storage, and Disposal Facilities (TSDFs) within its borders and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA). New Federal requirements and prohibitions imposed by Federal regulations that EPA promulgates under the authority of HSWA take effect in authorized States before they are authorized for the requirements. Thus, EPA will implement those requirements and prohibitions in the District of Columbia, including issuing permits, until the State is granted authorization to do so.

A. What Is the Effect of Today's Authorization Decision?

The effect of this decision is that a facility in the District of Columbia subject to RCRA will now have to comply with the authorized District requirements instead of the equivalent Federal requirements in order to comply with RCRA. The District of Columbia has enforcement responsibilities under its District hazardous waste program for violations of such program, but EPA retains its authority under RCRA sections 3007, 3008, 3013, and 7003, which include, among others, authority to:

- Do inspections, and require monitoring, tests, analyses or reports,
- Enforce RCRA requirements and suspend or revoke permits, and
- Take enforcement actions regardless of whether the District has taken its own actions.

This action does not impose additional requirements on the regulated community because the regulations for which the District of Columbia is being authorized by today's action are already effective, and are not changed by today's action.

D. Why Wasn't There a Proposed Rule Before Today's Rule?

EPA did not publish a proposal before today's rule because we view this as a routine program change and do not expect comments that oppose this approval. We are providing an opportunity for public comment now. In addition to this rule, in the proposed rules section of today's **Federal Register** we are publishing a separate document that proposes to authorize the District's program changes. If EPA receives comments which oppose this authorization, or portion(s) thereof, that document will serve as a proposal to authorize such changes.

E. What Happens if EPA Receives Comments That Oppose This Action?

If EPA receives comments that oppose this authorization, we will withdraw this rule by publishing a document in the **Federal Register** before the rule becomes effective. EPA will base any further decision on the authorization of the District's program changes on the proposal mentioned in the previous paragraph. We will then address all public comments in a later final rule. You may not have another opportunity to comment. If you want to comment on this authorization, you must do so at this time.

If we receive comments that oppose only the authorization of a particular change to the District's hazardous waste program, we may withdraw that part of this rule, but the authorization of the program changes that the comments do not oppose will become effective on the date specified above. The **Federal Register** withdrawal document will specify which part of the authorization will become effective, and which part is being withdrawn.

F. What Has the District of Columbia Previously Been Authorized for?

The District of Columbia Hazardous Waste Management Act of 1977 (D.C. Law 2–64, as amended) directed the Mayor to develop a regulatory scheme for management of hazardous waste in the District, and the District subsequently established a comprehensive hazardous waste management program. On July 22, 1983, the District adopted analogs to 40 CFR parts 260 through 265 (July 1982 ed.), 40 CFR part 270 (July 1983 ed.) and 40 CFR part 124, subpart A (July 1983 ed.) as amended by the District. These regulations were amended on September 28, 1984. EPA's final authorization of the District's base RCRA program took effect on March 22, 1985.

Since the base program authorization, the District of Columbia Hazardous Waste Management Act was amended in 1989, and the District's hazardous waste regulations have been amended five (5) times (1985, 1987, 1988, 1996, and

2000). The latest regulatory amendments became effective on September 19, 2000.

The District of Columbia's Department of Health (DOH) is currently designated the lead agency for implementing the District's hazardous waste program. The District's previously-authorized hazardous waste program was administered through the Department of Consumer and Regulatory Affairs. However, on July 17, 1996, the District's government was reorganized, and all of the District's environmental programs were reassigned to the DOH. The District's hazardous waste program is currently being implemented by the Hazardous Waste Division of the Bureau of Hazardous Material and Toxic Substances (BHMTS) of the Environmental Health Administration (EHA), within the DOH.

G. What Changes Are We Authorizing With Today's Action?

On July 20, 2001, the District of Columbia submitted a final complete program revision application, seeking authorization of its changes in accordance with 40 CFR 271.21. EPA Region III worked closely with the District to develop the authorization application. Therefore, EPA's comments relative to the District's legal authority to carry out aspects of the Federal program for which the District is seeking authorization; the scope of and coverage of activities regulated; and the District's procedures, including the criteria for permit reviews, public participation and enforcement capabilities, were addressed before the submission of the final application by the District. The District also solicited public comments on its proposed regulations before they were adopted. The EPA has reviewed the District's application, and now makes an immediate final decision, subject to receipt of adverse written comment, that the District's hazardous waste program revisions satisfy all of the requirements necessary to qualify for Final authorization. Consequently, EPA intends to grant the District of Columbia Final authorization for the program modifications contained in the program revision application.

The District's program revision application includes the District's statutory and regulatory changes to the District's authorized hazardous waste program, including the adoption of the Federal hazardous waste regulations published through June 30, 1998 (RCRA Cluster VII), with certain exceptions described in section H.

The District is today seeking authority to administer the Federal requirements that are listed in the chart below. This chart also lists the District's analogs that are being recognized as equivalent to the appropriate Federal requirements. Unless otherwise stated, the District's statutory references are to the District of Columbia Hazardous Waste Management Act as contained in the D.C. Code 6–701 *et seq.* (1981 ed., 1995 Repl. Vol., 1999 Supplement). The regulatory references are to Title 20 of the District of Columbia Municipal Regulations (DCMR), Chapters 1 through 6, Chapters 40 through 50 and Chapter 54, as amended, effective September 29, 2000.

We now make an immediate final decision, subject to receipt of written comments that oppose this action, that the District of Columbia's hazardous waste program revision satisfies all of the requirements necessary to qualify for Final authorization. Therefore, we grant the District of Columbia Final authorization for the following program changes:

Federal requirement	Analogous District of Columbia Authority
40 CFR part 260—Hazardous Waste Management System: General, as of July 1, 1998.	District of Columbia Code (D.C. Code) §§ 6–701(a), 6–702(1)–(3), 6–702(5)–(9) and 6–705(a); Title 20 District of Columbia Municipal Regulations (20 DCMR)§§ 4000.1 through 4001.18, 4017.1, 4017.3 and 5400.1. (More stringent provision: 5400.1 ''small quantity generator'').
40 CFR part 261—Identification and Listing of Hazardous Waste, as of July 1, 1998.	D.C. Code §§ 6–701(a) and 6–705(a); 20 DCMR §§ 4016, 4100 through 4112, Chapter 41 Appendices I&II, 4200.2 and 5400.1. (More stringent provisions: 4100.13(a), 4101.5, 4101.6(a)&(b), 4101.7, 4101.9 (introductory paragraph), 4101.9(c), (d) & (f), 4102.5 (introductory paragraph), 4102.6, 4102.7(d)&(e), 4102.10, 4103.2(b) and 4106.1).
40 CFR part 262—Standards Applicable to the Generators of Hazardous Wastes, as of July 1, 1998.	D.C. Code §§ 6–701(a) and 6–705(a); 20 DCMR Chapter 42 (except 4200.16 and 4208), and §§ 5400.1 and 4016. (More stringent provisions: 4200.2, 4202.7(b)(1)&(2), 4203.5(c)&(e), 4204.3(c), 4204.9 (introductory paragraph), 4207.12(a)(1), 4207.21 and 4207.24 (introductory paragraph)).
40 CFR part 263—Standards Applicable to the Transporters of Hazardous Wastes, as of July 1, 1998.	D.C. Code §§ 6–701(a) and 6–705(a); 20 DCMR Chapter 43 (except § 4300.11 and 4303). (More stringent provisions: 4300.9, 4300.12 and 4302.3(b)).
40 CFR part 264—Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, as of July 1, 1998.	D.C. Code §§ 6–701(a), 6–702(1), 6–703(b), 6–705(a), 6–904, 6–905, and 6–906; 20 DCMR Chapters 1–6, Chapter 44, 20 DCMR §§ 5400.1, 4016 and 4018. (More stringent provisions: 4400.3, 4018, 4400.7(i)&(k), 4407.1, 4413.1, 4413.7, 4413.11 (introductory paragraph), 4413.11(b), 4413.12 (introductory paragraph), 4413.12(b), 4413.17 (introductory paragraph), 4413.19 (introductory paragraph), 4413.26, 4414.4, 4414.10(h), 4414.15(h), 4416.32(d) (introductory paragraph), 4417.2, 4417.3 and 4474.1).
40 CFR part 265—Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, as of July 1, 1998.	D.C. Code §§ 6–701(a), 6–702(1), 6–705(a), 6–904, 6–905, and 6–906; 20 DCMR Chapters 1 through 6 and §§ 4401, 4016 and 5400.1. (More stringent provisions: 4401.2 (introductory paragraph), 4401.2(a)–(n) & (r)–(t))
40 CFR part 266—Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities, as of July 1, 1998.	D.C. Code §§ 6–701(a), 6–702(1), 6–703(b), 6–705(a), 6–904, 6–905, and 6–906; 20 DCMR Chapters 1–6, Chapter 45 (except 4512.5(c)), 20 DCMR § 5400.1. (More stringent provisions: 4507.1 and 4507.3).

Federal requirement	Analogous District of Columbia Authority
40 CFR part 268—Land Disposal Restrictions, as of July 1, 1998.	D.C. Code §§ 6–701(a) and 6–705(a); 20 DCMR Chapter 50 and §§ 5400.1 and 4016. (More stringent provisions: 5000.2, 5000.11 and 500.12(h)(2) (introductory paragraph)).
40 CFR part 270—The Hazardous Waste Permit Program, as of July 1, 1998.	D.C. Code §§ 6–701(a), 6–703, 6–705(a), and 6–709; 20 DCMR Chapter 46, 20 DCMR §§ 4017.1, 4017.2 and 5400.1. (More stringent provisions: 4018, 4400.3, 4507.1, 4600.6, 4600.8(c)&(h), 4600.12, 4601.3, 4601.10, 4601.16 (introductory paragraph), 4617.13(e) and 4618.4). The District has no analog to 40 CFR 270.5 in its regulations; however, in its Memorandum of Agreement (MOA) with EPA, the District has agreed to comply with the 40 CFR 270.5 requirements.
40 CFR part 124—Permit Procedures, as of July 1, 1998.	D.C. Code §§ 6–701(a), 6–703, 6–705(a), and 6–709; 20 DCMR Chapter 47.
40 CFR part 273—Standards for Universal Waste Management, as of July 1, 1998.	D.C. Code §§ 6–701(a) and 6–705(a); 20 DCMR Chapter 48 and § 5400.1. (More stringent provisions: 4800.2, 4801.1, 4801.2(c), 4801.3, 4801.6(e), 4801.8(c), 4802.6, 4802.7 and 4804.1(b)).
40 CFR part 279—Standards for the Management of Used Oil, as of July 1, 1998.	D.C. Code §§ 6–701(a), 6–705(a), and 6–713; 20 DCMR Chapter 49 and § 5400.1. (More stringent provisions: 4900.5, 4900.6, 4900.7, 4900.9, 4900.15 Table 1, 4900.16(a)&(b), 4900.16(d)(1)–(3), 4900.16(e), 4901.3, 4901.5, 4901.7(a)(3), 4902.2(b), 4903.5, 4903.11(c)&(d), 4903.14(d), 4903.16 (introductory paragraph), 4904.2(c), 4904.3, 4904.12(c), 4905 and 4906.4(b)).
HSWA Cluster I	
Sharing of Information With the Agency for Toxic Substances and Disease Registry (SI) (RCRA section 3019(b)).	D.C. Code §§ 6–705(a), 6–731 *et seq.* In its MOA with EPA, the District has agreed to share exposure information with the Agency for Toxic Substances and Disease Registry.

H. Where Are the District's Revised Rules Different From the Federal Rules?

The District of Columbia's hazardous waste program contains several provisions that are more stringent than the Federal RCRA program. The more stringent provisions are being recognized as a part of the Federally-authorized program and are Federally-enforceable. The specific more stringent provisions are noted in the preceding chart and in the District's authorization application, and include, but are not limited to, the following:

1. The District subjects generators of between 100 kilograms and 1,000 kilograms of hazardous waste in a calendar month to full regulation rather than to the reduced requirements in the Federal regulations for this group of generators.

2. At 20 DCMR section 4300.9, the District's analog to 40 CFR 263.12, transporters storing waste at transfer facilities in the District for 10 days or less are subject to the District's requirements analogous to 40 CFR 264.14–264.17 and 40 CFR subparts C, D, and F, unlike the Federal program. These additional requirements make the District's program more stringent than the Federal program.

3. The District prohibits land disposal, incineration and underground injection of hazardous waste, and prohibits the burning, processing or incineration of hazardous waste, hazardous waste fuels, or mixtures of hazardous wastes and other materials in any type of incinerator, boiler, or industrial furnace. The Federal program does not include such prohibitions.

4. Unlike the Federal program, the District prohibits the burning of both on- and off-specification used oil in the District, and prohibits the use of used oil as a dust supressant.

A number of the District's regulations are not being authorized by today's actions. Such provisions include, but are not limited to, the following:

1. The District has regulations defining how program information is to be shared with the public, but is not seeking authorization at this time for the Availability of Information requirements relative to RCRA section 3006(f).

2. The District is not seeking authority for the Federal corrective action program. EPA will continue to administer this part of the program. The District is planning to apply for the corrective action program in a subsequent authorization revision application.

3. The District has incorporated the Federal hazardous waste export provisions at 40 CFR part 262, subparts E and H, into its regulations at 20 DCMR sections 4204 and 4207. However, the District is not seeking authorization for these provisions at this time. EPA will continue to implement those requirements as appropriate.

4. The District is adopting the universal waste requirements relative to the Federal program as of July 1, 1998 and 63 FR 71225 (Revision Checklist 176). The District also regulates mercury-containing lamps as a universal waste, but is not seeking authorization for this universal waste at this time because the District's requirements, while consistent with the Federal requirements, were developed before the promulgation of the Federal hazardous waste lamp rule (64 *FR* 36466, Revision Checklist 181). The District will make any necessary revisions to its lamp rule and authorization will be sought in a subsequent revision authorization package.

The District's regulations contain several requirements that go beyond the scope of the Federal program, and thus are not part of the program being authorized by today's action. EPA cannot enforce these requirements which are broader in scope, although compliance with these provisions is required by District law. Such provisions include, but are not limited to, the following:

1. The District does not have an analog to 40 CFR 261.4(a)(4) that excludes source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 from the Federal definition of solid waste. This difference makes the District's universe

of regulated hazardous waste larger than EPA's and, therefore, broader in scope.

2. Under Federal regulations, generators of 0–100 kilograms of hazardous waste are conditionally exempt from regulation. The District regulates all generators of hazardous waste, and its regulations do not provide any conditional exemption from regulatory requirements. In the District, generators of 0–100 kilograms of hazardous waste, or up to 1 kilogram of acute hazardous waste, are considered small quantity generators and may accumulate up to 600 kilograms of hazardous waste on site for up to 180 days. They are not conditionally exempt from regulation and are subject to the same regulatory requirements as Federal large quantity generators. Thus, the District's regulation is broader in scope than the Federal regulation, because there is no Federal analog to this regulatory approach.

3. 20 DCMR section 4200.16 requires that all generators obtain a permit under 20 DCMR section 4208. Such a permit must be renewed on a biennial basis. The generator must also pay a fee to obtain a permit. There are no such requirements in the Federal system.

4. Unlike the Federal system, all transporters holding a hazardous waste at a transfer facility in the District must obtain a Hazardous Waste Transfer Facility Permit pursuant to the requirements of 20 DCMR section 4303, including the payment of fees.

I. Who Handles Permits After the Authorization Takes Effect?

After authorization, the District of Columbia will issue permits for all the provisions for which it is authorized and will administer the permits it issues. EPA will continue to administer any RCRA hazardous waste permits or portions of permits which we issued prior to the effective date of this authorization until the timing and process for effective transfer to the District are mutually agreed upon. Until such time as formal transfer of EPA permit responsibility to the District occurs and EPA terminates its permit, EPA and the District agree to coordinate the administration of permits in order to maintain consistency. EPA will not issue any more new permits or new portions of permits for the provisions listed in the chart in section G after the effective date of this authorization. EPA will continue to implement and issue permits for HSWA requirements for which the District of Columbia is not yet authorized.

J. How Does Today's Action Affect Indian Country (18 U.S.C. 115) in the District of Columbia?

The District of Columbia is not seeking authority to operate the program on Indian lands, since there are no Federally-recognized Indian lands in the District.

K. What Is Codification and Is EPA Codifying the District of Columbia's Hazardous Waste Program as Authorized in This Rule?

Codification is the process of placing the District's statutes and regulations that comprise the District's authorized hazardous waste program into the Code of Federal Regulations. We do this by referencing the authorized District rules in 40 CFR part 272. We reserve the amendment of 40 CFR part 272, subpart J, for this authorization of the District of Columbia's program changes until a later date.

L. Administrative Requirements

The Office of Management and Budget has exempted this action from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993); therefore, this action is not subject to review by OMB. This action authorizes State requirements for the purpose of RCRA 3006 and imposes no additional requirements beyond those imposed by State law. Accordingly, I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this action authorizes pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). For the same reason, this action does not have tribal implications within the meaning of Executive Order 13175 (65 FR 67249, November 6, 2000). It does not have substantial direct effects on tribal governments, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely authorizes State requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks. This rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)) because it is not a significant regulatory action under Executive Order 12866.

Under RCRA 3006(b), EPA grants a State's application for authorization as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a State authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the Attorney General's ''Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings' issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this document and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. A

major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This action will be effective November 9, 2001.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: August 24, 2001.

Donald S. Welsh,

Regional Administrator, Region III.

[FR Doc. 01–22520 Filed 9–7–01; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 010502110–1110–01; I.D. 082301B]

Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustment for the Commercial Salmon Season from Humbug Mt., OR, to the OR-CA Border

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Inseason adjustment to the 2001 annual management measures for the ocean salmon fishery; request for comments.

SUMMARY: NMFS announces a modification of the limited retention regulation for the commercial fishery from Humbug Mt., OR, to the OR-CA border, suspending the possession and landing limit of 30 fish per day until further notice. This action was effective at 0001 hours local time (l.t.) on August 9, 2001. The fishery continues through the earlier of August 31 or a 3,000–chinook quota, however further inseason adjustments will be instituted if needed. This action is necessary to conform to the 2001 annual management measures for ocean salmon fisheries.

DATES: Effective 0001 hours l.t., August 9, 2001, through the earlier of August 31 or a 3,000–chinook quota. Comments will be accepted through September 25, 2001.

ADDRESSES: Comments on this action may be mailed to Donna Darm, Acting Regional Administrator, Northwest Region, NMFS, NOAA, 7600 Sand Point Way N.E., Bldg. 1, Seattle, WA 98115–0070; fax 206–526–6376; or Rebecca Lent, Regional Administrator, Southwest Region, NMFS, NOAA, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802–4132; fax 562–980–4018. Comments will not be accepted if submitted via e-mail or the Internet. Information relevant to this document is available for public review during business hours at the Office of the Regional Administrator, Northwest Region, NMFS.

FOR FURTHER INFORMATION CONTACT: Christopher Wright, 206–526–6140, Northwest Region, NMFS, NOAA.

SUPPLEMENTARY INFORMATION: The Northwest Regional Administrator, NMFS (Regional Administrator), modified the limited retention regulation for the commercial fishery from Humbug Mt. to the OR-CA border, by suspending the possession and landing limit of 30 fish per day until further notice, effective at 0001 l.t. on August 9, 2001. The Regional Administrator determined that the modification was justified to provide greater opportunity to reach the 3000–chinook quota. Modification of the species that may be caught and landed during specific seasons, and the establishment or modification of limited retention regulations, is authorized by regulations at 50 CFR 660.409 (b)(1)(ii).

In the 2001 annual management measures for ocean salmon fisheries (66 FR 23185, May 8, 2001), NMFS announced that the commercial fishery for all salmon except coho from Humbug Mt. to the OR-CA border would open August 1 through the earlier of August 31 or a 3,000–chinook quota. The annual management measures included a possession and landing limit of 30 fish per day, and required that fishermen land and deliver all salmon to Gold Beach, Port Orford, or Brookings within 24 hours of closure.

The Regional Administrator consulted with representatives of the Pacific Fishery Management Council (Council) and Oregon Department of Fish and Wildlife (ODFW) regarding the above-described inseason action by conference call on August 8, 2001. ODFW reported that the chinook catch rate and effort were lower than projected preseason, and that only 100 chinook had been landed as of August 7. Therefore, ODFW recommended that the season be modified by suspending the possession and landing limit of 30 fish per day until further notice, effective at 0001 on August 9, 2001. ODFW reasoned that suspending the possession and landing limit provided greater opportunity to search for fish in outlying areas, thus increasing the potential for improving catch rates beyond those observed to date. All other restrictions that apply to this fishery remain in effect, as announced in the 2001 annual management measures for ocean salmon fisheries and subsequent inseason actions. This includes the requirement that all salmon be landed and delivered to Gold Beach, Port Orford, or Brookings.

The Regional Administrator consulted with representatives of the Council and ODFW regarding the above-described inseason action by conference call on August 8, 2001. The best available information regarding catch and effort to date, as well as projected catch and effort, supported modifying the commercial fishery to provide greater opportunity to catch harvestable fish within the limit of the 3000-chinook quota. The state will manage the fisheries in state waters adjacent to the areas of the exclusive economic zone in accordance with this Federal action. As provided by the inseason notice procedures of 50 CFR 660.411, actual notice to fishermen of the adjustment in the area from Humbug Mt. to the OR-CA border, effective 0001 hours l.t., August 9, 2001, was given prior to the effective date by telephone hotline number 206–526–6667 and 800–662–9825, and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 kHz.

Because of the need for immediate action for the modification for the area from Humbug Mt. to the OR-CA border to allow harvest of the available chinook quota, NMFS has determined that good cause existed for this notification to be issued without affording a prior opportunity for public comment because such notification would be impracticable and contrary to the public interest. Since this action eliminates the possession and landing limit of 30 fish per day, it relieves a restriction, and under 5 U.S.C. 553 (d)(1) it is not subject to a delay in the effective date.

This action does not apply to other fisheries that may be operating in other areas.

Classification

This action is authorized by 50 CFR 660.409 and 660.411 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 4, 2001.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–22640 Filed 9–7–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 010112013-1013-01; I.D. 090401D]

Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for species that comprise the shallow-water species fishery by vessels using trawl gear in the Gulf of Alaska (GOA), except for vessels fishing for pollock using pelagic trawl gear in those portions of the GOA open to directed fishing for pollock. This action is necessary because the fourth seasonal apportionment of the 2001 halibut bycatch allowance specified for the trawl shallow-water species fishery in the GOA has been caught.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), September 5, 2001, until 1200 hrs, A.l.t., October 1, 2001.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The Pacific halibut bycatch allowance for the GOA trawl shallow-water species fishery, which is defined at § 679.21(d)(3)(iii)(A), was established by the Final 2001 Harvest Specifications and Associated Management Measures for the Groundfish Fisheries Off Alaska (66 FR 7276, January 22, 2001) and adjusted (66 FR 17087, March 29, 2001 and 66 FR 37167, July 17, 2001) for the fourth season, the period September 1, 2001, through October 1, 2001, as 100 metric tons.

In accordance with § 679.21(d)(7)(i), the Administrator, Alaska Region, NMFS, has determined that the fourth seasonal apportionment of the 2001 Pacific halibut bycatch allowance specified for the trawl shallow-water species fishery in the GOA has been caught. Consequently, NMFS is prohibiting directed fishing for species included in the shallow-water species fishery by vessels using trawl gear in the GOA, except for vessels fishing for pollock using pelagic trawl gear in those portions of the GOA open to directed fishing for pollock. The species and species groups that comprise the shallow-water species fishery are: pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, and ''other species.''

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, finds that the need to immediately implement this action to prevent exceeding the fourth seasonal apportionment of the 2001 Pacific halibut bycatch allowance specified for the trawl shallow-water species fishery in the GOA constitutes good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(3)(B) and 50 CFR 679.20(b)(3)(iii)(A), as such procedures would be unnecessary and contrary to the public interest. Similarly, the need to implement these measures in a timely fashion to prevent exceeding the fourth seasonal apportionment of the 2001 Pacific halibut bycatch allowance specified for the trawl shallow-water species fishery in the GOA constitutes good cause to find that the effective date of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.21 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 5, 2001.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–22646 Filed 9–5–01; 3:05 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 66, No. 175
Monday, September 10, 2001

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 213

RIN 3206–AJ06

Excepted Service—Schedule A Authority for Nontemporary Part-Time or Intermittent Positions

AGENCY: Office of Personnel Management.

ACTION: Proposed regulations.

SUMMARY: The Office of Personnel Management (OPM) proposes to revoke the Schedule A excepted service appointing authority for nontemporary part-time or intermittent positions for which total annual compensation does not exceed 40 percent of GS–3, step 1, because the conditions justifying the original exception no longer exist. Revocation would bring the positions filled under this Schedule A authority into the competitive service and permit noncompetitive conversion of position incumbents to competitive appointments.

DATES: Comments must be received on or before November 9, 2001.

ADDRESSES: Send or deliver written comments to Richard A. Whitford, Acting Associate Director for Employment, Office of Personnel Management, 1900 E Street, NW., Room 6566, Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Janice Domke Reid or Christina Vay on 202–606–0960 or FAX 202–606–0390.

SUPPLEMENTARY INFORMATION:

Background

The Schedule A authority, 5 CFR 213.3102(g), was established in 1903 for use by all agencies to meet their continuing part-time, intermittent or seasonal needs for lower graded positions. These positions were excepted from the competitive service because there were too few candidates for standing registers, not due to the nature of their duties or qualifications.

The authority originally contained a dollar limitation on total compensation to assure that the positions filled were menial, not full-time, and were of the type for which the authority was intended. In 1958, this was changed to 40 percent of GS–3, step 1, to avoid having to amend the authority with each Federal pay raise. The authority was amended in 1977 to clarify that it could not be used for temporary project employment to meet a one-time need. It has not been amended since.

In the past, complexities in the examining system necessitated excepted authorities on the basis that examining was impracticable. This was especially true for this Schedule A authority where employment was expected to be sporadic, totaling less than 6 months a year, and competitive examination with the establishment of standing registers would not have been able to produce enough candidates to fill the positions.

The authority has been used relatively little on a Government-wide basis.

Current Staffing Flexibilities

Competitive examining has changed drastically since the day when this Schedule A authority was established. Today agencies have more choices and flexibility for filling continuing positions that are not full-time. They routinely appoint employees with part-time or intermittent work schedules under career appointments in the competitive service.

Seasonal employees are also appointed under career appointments in the competitive service when they perform recurring work that is expected to last at least 6 months during a calendar year. Work lasting less than 6 months a year is usually performed by temporary employees, and agencies can appoint them under 5 CFR 316.401. When employment totals less than 1,040 hours a service year, there is no limit on the number of times temporary employees may be reappointed.

Conversion of Employees

The revocation brings the positions into the competitive service as provided in 5 CFR 316.701 and 316.702. Before the effective date of these regulations, positions for which examining is still impracticable may be placed under other appropriate excepted appointing authorities and the employees converted to excepted appointments under those authorities.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because the regulations pertain only to Federal employees and agencies.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

List of Subjects in 5 CFR Part 213

Government employees. Reporting and recordkeeping requirements.

Kay Coles James,

Director.

Accordingly, OPM proposes to amend 5 CFR part 213 as follows:

PART 213—EXCEPTED SERVICE

1. The authority citation for part 213 is revised to read as follows:

Authority: 5 U.S.C. 3301 and 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218; § 213.101 also issued under 5 U.S.C. 2103; § 213.3102 also issued under 5 U.S.C. 3301, 3302, 3307, 8337(h) and 8456; E.O. 12364, 47 FR 22931, 3 CFR 1982 Comp., p. 185; 38 U.S.C. 4301 et seq.; and Pub. L. 106–117 (113 Stat. 1545).

§ 213.3102 [Amended]

2. Paragraph (g) of § 213.3102 is removed and reserved.

[FR Doc. 01–22563 Filed 9–7–01; 8:45 am]
BILLING CODE 6325–38–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–41–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 727–100 and 727–200 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 727–100 and 727–

200 series airplanes. This proposal would require replacement of the installed autopilot pitch control computer with a modified computer, testing of the modified system, and revision of the Airplane Flight Manual (AFM). This action is necessary to prevent undesirable and potentially dangerous pitch oscillations during coupled instrument landing systems (ILS) approaches. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by October 25, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–41–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2001–NM–41–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Thanh Truong, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2552; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2001–NM–41–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–41–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received a report indicating that, on February 9, 1998, a Boeing Model 727 series airplane was involved in an accident during a coupled instrument landing system (ILS) category II approach at Chicago O'Hare International Airport. The approach was normal until the airplane passed through 200 feet above ground level, where the airplane started a pitch oscillation that continued to increase. The airplane descended below the ILS glide slope, then climbed above it, and finally descended below it again, impacting the ground 300 feet short of the runway threshold. Upon impact, the airplane slid over the threshold and off the right side of the runway, where it came to rest. Twenty-two passengers and one flight attendant sustained minor injuries. The airplane was extensively damaged.

The National Transportation Safety Board (NTSB), in investigating the accident, has determined that the existence of an autopilot system anomaly can, under certain conditions, produce undesirable pitch oscillations in the Model 727–100 and –200. The ILS provides electronic signals to guide the pilot and autopilot in flying the airplane to the runway. The glide slope is usually determined from a 3-degree flight path to a point about 1,000 feet down the runway from the approach end. Electronic signals are processed on the airplane and instruments indicate whether the airplane is on the localizer and glide slope or indicate how much, and in which direction, the airplane has deviated from them. The information provided to the pilot via displays on the instrument panel, or directly to the autopilot, indicate whether the airplane should continue on course or fly up, down, left, or right to get back on course.

Because glide slope deviations close to the runway require smaller pitch corrections than those required far from the runway, the autopilot sensitivity has to be reduced as the airplane nears the runway. This process, called desensitization, depends on distance from the runway, but if the ILS does not provide distance measuring equipment, this is sometimes calculated by measuring time elapsed since passing a point of known distance from the runway and muliplying the measured time by an assumed ground speed. This time-based method was used by the Sperry SP–150 autopilot installed on the accident airplane. The system was set up to start desensitizing over a period of 150 seconds after passing through a radio altitude of 1,500 feet. Upon receiving the middle marker signal on the ILS approach, the speed of desensitization would increase.

A characteristic of the time-based method of desensitizing the autopilot is that the gain will be scheduled correctly only if the ground speed is relatively close to the ground speed the autopilot designers assumed when selecting the time period required for desensitization. If the ground speed is higher than the ground speed assumed in the autopilot design, the airplane will approach the runway before the desensitization period expires and the sensitivity will be higher than that intended by the design.

The 150-second desensitization period used by the Sperry SP–50 and SP–150 autopilots was optimized for the lower approach airspeeds and a 40-degree flap setting. However, in the early 1980s, operators started landing the Model 727 at 30-degree flap settings, and higher airspeeds, in order to

improve the maneuverability of the airplane during the approach.

During the NTSB investigation, another pilot described a pitch event experienced by another Model 727 series airplane in 1997. That airplane was aking a coupled ILS category II approach to a runway at Chicago O'Hare International Airport when, at about 250 feet, the crew felt a bump and the airplane pitched up in response to being slightly below the glide slope. The airplane climbed through the glide slope and then pitched down severely to recapture the glide slope. The pilot called for a go-around, came back for another approach, and experienced the same bump again before diverting to the alternate airport. This Model 727 also had a time-based autopilot with a 150-second desensitization period. NTSB studies found that at the approach speeds of the accident flight, the autopilot with the 150-second desensitization period responds to disturbances by commanding oscillatory pitch changes that grow in time and result in significant deviations from the desired flight path. Based on the NTSB's studies and FAA findings, the improper desensitization schedule is considered a contributing factor in the destabilized approach of the accident flight and in the reported pitch event that occurred in 1997. Therefore, the FAA is concerned that other Model 727 series airplanes equipped with unmodified SP–50 and SP–150 autopilots could experience, in conditions similar to those of the accident flight, undesirable and potentially dangerous pitch changes during coupled ILS category II approaches.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 727–22A0093, dated December 20, 2000, which describes procedures for replacement of the SP–50 or SP–150 autopilot pitch control computer with a modified autopilot pitch control computer and a functional test to verify function. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Boeing Alert Service Bulletin 727–22A0093 refers to Sperry Service Bulletin 21–1132–121, dated November 23, 1982 (for the SP–50 autopilots), and Sperry Service Bulletin 21–1132–122, dated February 7, 1983 (for the SP–150 autopilots), as additional sources of service information for accomplishment of the replacement of the autopilot pitch control computer and subsequent one-time test.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the service bulletins described previously, except as discussed below. The proposed AD would also require two revisions to the FAA-approved Airplane Flight Manual (AFM). One revision, required within six months after the effective date of the proposed AD, would prohibit a category II autopilot coupled ILS approach if the Middle Marker (ground or airborne system) is inoperative. This revision would also require that the autopilot be disconnected at, or prior to, 80 feet above the runway's touchdown-zone elevation during coupled ILS category II approaches. The second revision, required after the autopilot modification, would limit the approach flap setting to 30 degrees when conducting a category II autopilot coupled ILS approach. It should be noted that the FAA is conducting additional studies to develop operating limitations, as necessary, that address approach flap settings and airspeeds specifically, and also considering other aspects such as winds and glideslope angles.

Differences Between the Proposed AD and the Service Bulletin

Operators should note that the service bulletin recommends accomplishing the replacement ''at the earliest convenience'' (after the release of the service bulletin). The FAA, however, has determined that performing the replacement ''at the earliest convenience'' may not address the identified unsafe condition in a timely manner. In developing an appropriate compliance time for this AD, the FAA considered not only the manufacturer's recommendation, but the degree of urgency associated with addressing the subject unsafe condition, the average utilization of the affected fleet, and the time necessary to perform the replacement (approximately 2 hours). In light of all of these factors, the FAA finds an 18-month compliance time for completing the required actions to be warranted, in that it represents an appropriate interval of time allowable for affected airplanes to continue to operate without compromising safety.

Operators should also note that, although the service bulletin recommends performing a functional test in accordance with the 727 Maintenance Manual, the proposed AD would require accomplishment of the more detailed functional test in accordance with Sperry Service Bulletins 21–1132–121 or 21–1132–122, as applicable.

Cost Impact

There are approximately 750 airplanes of the affected design in the worldwide fleet. The FAA estimates that 162 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed AFM revisions, and that the average labor rate is $60 per work hour. Based on this figure, the cost impact of the proposed AFM revisions on U.S. operators is estimated to be $9,720, or $60 per airplane.

It would take approximately 1 work hour per airplane to accomplish the proposed replacement and functional test of the SP–50 autopilot. Estimated costs for required parts would be $1. It would take approximately 2 work hours per airplane to accomplish the proposed replacement and functional test of the SP–150 Autopilot. Estimated costs for required parts would be $168. Based on these figures, the cost impact of the proposed replacement and functional test on U.S. operators is estimated to be between $9,882 and $46,656, or between $61 and $288 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44

FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 2001–NM–41–AD.

Applicability: Model 727–100 and 727–200 series airplanes, certificated in any category, as listed in Boeing Alert Service Bulletin 727–22A0093, dated December 20, 2000.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (f) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent undesirable and potentially dangerous pitch oscillations during coupled instrument landing systems (ILS) approaches, accomplish the following:

Revision of Airplane Flight Manual

(a) Within six months after the effective date of this AD, revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) by adding the following paragraphs under AUTOPILOT/FLIGHT DIRECTOR SYSTEM. This may be accomplished by inserting a copy of this AD into the AFM.

''CAT II autopilot coupled ILS approach shall not be performed if the Middle Marker (ground or airborne system) is inoperative.

Disconnect the autopilot at, or prior to, 80 ft. (above the runway's touchdown-zone elevation) during Cat II autopilot coupled ILS approaches.''

Modification and Testing of Autopilot

(b) Within 18 months after the effective date of this AD, replace the existing SP–50 or SP–150 single channel autopilot with a modified single channel autopilot in accordance with Boeing Alert Service Bulletin 727–22A0093, dated December 20, 2000.

(c) Concurrent with the modifications required by paragraph (b) of this AD, and before reinstallation of the modified autopilot and further flight, perform a one-time test procedure of the modified autopilot in accordance with Sperry Service Bulletin 21–1132–121, dated November 23, 1982 (for SP–50 autopilots), or 21–1132–122, dated February 7, 1983 (for SP–150 autopilots), as applicable.

Post-Modification Revision of Airplane Flight Manual

(d) Before further flight after performing the replacement required by paragraph (b) of this AD, revise the Limitations Section of the AFM by adding the following paragraph under AUTOPILOT/FLIGHT DIRECTOR SYSTEM. This may be accomplished by inserting a copy of this AD into the AFM.

''Limit the approach flap setting to 30 degrees when conducting CAT II autopilot coupled ILS approach.''

Spare Parts

(e) As of the effective date of this AD, no person shall install on any airplane an autopilot pitch control computer unless it has been modified and the applicable AFM has been revised in accordance with this AD.

Alternative Methods of Compliance

(f) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

(g) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on August 31, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–22589 Filed 9–7–01; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA–4152b; FRL–7050–2]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC and NO_X RACT Determinations for 14 Individual Sources in the Philadelphia-Wilmington-Trenton Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revisions submitted by the Commonwealth of Pennsylvania for the purpose of establishing and requiring reasonably available control technology (RACT) for 14 major sources of volatile organic compounds (VOC) and/or nitrogen oxides (NO_X). These sources are located in the Philadelphia-Wilmington-Trenton ozone nonattainment area. In the Final Rules section of this **Federal Register**, EPA is approving the Commonwealth's SIP revisions as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. The rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting must do so at this time. Please note that if adverse comment is received for a specific source or subset of sources covered by an amendment, section or paragraph of this rule, only that amendment, section, or paragraph for that source or subset of sources will be withdrawn.

DATES: Comments must be received in writing by October 10, 2001.

ADDRESSES: Written comments should be addressed to David L. Arnold, Chief,

Air Quality Planning and Information Services Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and the Pennsylvania Department of Environmental Resources Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Ray Chalmers at (215) 814–2061, the EPA Region III address above or by e-mail at *chalmers.ray@epa.gov.* Please note that while questions may be posed via telephone and e-mail, formal comments must be submitted, in writing, as indicated in the **ADDRESSES** section of this document.

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, with the same title, that is located in the ''Rules and Regulations'' section of this **Federal Register** publication.

Dated: August 29, 2001.

Thomas C. Voltaggio,

Acting Regional Administrator, Region III.

[FR Doc. 01–22613 Filed 9–7–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[FRL–7052–8]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; States of Iowa, Kansas, Missouri, and Nebraska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed action.

SUMMARY: EPA proposes to approve the small Municipal Waste Combustion (MWC) units section 111(d) plan negative declarations submitted by the states of Iowa, Kansas, Missouri, and Nebraska. These negative declarations certify that small MWC units subject to the requirements of sections 111(d) and 129 of the Clean Air Act do not exist in these states.

In the final rules section of the **Federal Register**, EPA is approving each state's negative declaration as a direct final rule without prior proposal because the Agency views this as noncontroversial and anticipates no relevant adverse comments to this action. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated in relation to this action. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed action. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed action must be received in writing by October 10, 2001.

ADDRESSES: Comments may be mailed to Wayne Kaiser, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Wayne Kaiser at (913) 551–7603.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final rule which is located in the rules section of the **Federal Register**.

Dated: August 30, 2001.

William W. Rice,

Acting Regional Administrator, Region 7.

[FR Doc. 01–22621 Filed 9–7–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[AZ041–OPP; FRL–7052–2]

Clean Air Act Proposed Full Approval of Operating Permit Programs; Pima County Department of Environmental Quality, Arizona

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the Pima County Department of Environmental Quality (PDEQ or District) operating permit program. The PDEQ operating permit program was submitted in response to the directive in the 1990 Clean Air Act (CAA) Amendments that permitting authorities develop, and submit to EPA, programs for issuing operating permits to all major stationary sources and to certain other sources within the permitting authorities' jurisdiction. EPA granted interim approval to the PDEQ operating permit program on October 30, 1996. The District has revised its program to satisfy the conditions of the interim approval. However, PDEQ must also revise its rules to incorporate the adoption date of the rule it has incorporated by reference. Therefore, in addition to proposing approval of several rules already submitted by PDEQ, EPA is proposing in this rulemaking action to approve two rules in parallel with the District's adoption of revised rules that will add reference dates for materials incorporated by reference. We are proposing to approve rules that were submitted by PDEQ on May 28, 1998 and those that were public noticed by the District on August 9, 2001 and are scheduled for an adoption hearing on September 11, 2001.

DATES: Comments on the program revisions discussed in this proposed action must be received in writing by October 10, 2001.

ADDRESSES: Written comments on this action should be addressed to Gerardo Rios, Acting Chief, Permits Office, Air Division (AIR–3), EPA Region IX, 75 Hawthorne Street, San Francisco, California, 94105. You can inspect copies of PDEQ's submittal and other supporting documentation relevant to this action during normal business hours at the Air Division of EPA Region 9, 75 Hawthorne Street, San Francisco, California, 94105. You may also see copies of the submitted title V program at the following location: Pima County Department of Environmental Quality, 130 West Congress Street, Tucson, Arizona 85701.

FOR FURTHER INFORMATION CONTACT: Ginger Vagenas, EPA Region IX, Permits Office (AIR–3), U.S. Environmental Protection Agency, Region IX, (415) 744–1252 or *vagenas.ginger@epa.gov.*

SUPPLEMENTARY INFORMATION: This section provides additional information by addressing the following questions:

I. What Is the Operating Permit Program?

The CAA Amendments of 1990 required all state and local permitting authorities to develop operating permit programs that met certain federal criteria. In implementing the operating permit programs, the permitting authorities require certain sources of air pollution to obtain permits that contain all applicable requirements under the

CAA. The focus of the operating permit program is to improve compliance by issuing each source a permit that consolidates all of the applicable CAA requirements into a federally enforceable document. By consolidating all of the applicable requirements for a facility, the source, the public, and the permitting authorities can more easily determine what CAA requirements apply and how compliance with those requirements is determined.

Sources required to obtain an operating permit under this program include ''major'' sources of air pollution and certain other sources specified in the CAA or in EPA's implementing regulations. For example, all sources regulated under the acid rain program, regardless of size, must obtain permits. Examples of major sources include those that have the potential to emit 100 tons per year or more of volatile organic compounds, carbon monoxide, lead, sulfur dioxide, nitrogen oxides (NO_X), or particulate matter (PM_{10}); those that emit 10 tons per year of any single hazardous air pollutant (specifically listed under the CAA); or those that emit 25 tons per year or more of a combination of hazardous air pollutants (HAPs). In areas that are not meeting the national ambient air quality standards for ozone, carbon monoxide, or particulate matter, major sources are defined by the gravity of the nonattainment classification. For example, in ozone nonattainment areas classified as ''serious,'' major sources include those with the potential of emitting 50 tons per year or more of volatile organic compounds or nitrogen oxides.

II. What Is EPA's Proposed Action?

Because the operating permit program originally by PDEQ substantially, but not fully, met the criteria outlined in the implementing regulations codified at 40 Code of Federal Regulations (CFR) part 70, EPA granted interim approval to the program in a rulemaking published on October 30, 1996 (61 FR 55910). The interim approval notice described the conditions that had to be met in order for the PDEQ program to receive full approval. Today's **Federal Register** action describes the changes that PDEQ has made to its operating permit program to correct conditions and obtain full approval.

EPA is proposing full approval of the operating permits program submitted by PDEQ based on the revisions submitted on May 28, 1998 and those proposed for adoption by Pima on August 9, 2001. These revisions satisfactorily address the program deficiencies identified in EPA's October 30, 1996 rulemaking. *See* 61 FR 55910. EPA is also proposing to approve, as a title V operating permit program revision, additional changes to the rules that have been submitted to correct interim approval issues. The interim approval issues, PDEQ's corrections, and the additional changes are described below under the section entitled, ''What are the program changes that EPA is approving?''

III. What Is Parallel Processing?

Parallel processing refers to concurrent state and federal rulemaking actions. Under this procedure, EPA publishes our proposed action and initiates our 30-day comment period at the same time the District is undergoing its rulemaking processes.

EPA has reviewed the changes that the District expects to adopt formally in the near future. The rulemaking process currently underway in Pima County will not change the substance of the rules, it will merely add a reference date to clarify which version of the material incorporated by reference is in effect. The District's public comment period for the revision to include a reference date began on August 9, 2001. The substantive changes to the rules have already been adopted by the District, including an opportunity for public comment. The comment period for EPA's proposed action, which would approve both the text of the rules as well as the addition of a reference date for the material incorporated by reference into the rules, closes on October 10, 2001. We will finalize this action after PDEQ adopts the changes in substantially the same form as proposed and submits them to EPA as a revision to the District's title V program unless we receive comments that change our assessment that the rules comply with the relevant CAA requirements.

IV. What Are the Program Changes That EPA Is Approving?

A. Corrections to Interim Approval Issues

In its October 30, 1996 rulemaking, EPA made full approval of PDEQ's operating permit programs contingent upon the correction a number of interim approval issues. Each issue, along with the District's correction, is described below.

1. Rule deficiency: PCC Sec. 17.04.340(133)(b)(i) (the definition of ''major source'') did not clearly require that fugitive emissions of hazardous air pollutants (HAPs) be included when determining a source's potential to emit. In order to correct the deficiency, the definition needed to be revised so that it would be clear that fugitive emissions of HAPs must be considered in determining whether the source is major for purposes of both the 10 ton per year and 25 ton per year HAP major source thresholds. See § 70.2.

Rule change: The definition of major source, which has been recodified as 17.04.340 (122), has been revised to correct the deficiency. It now defines a major source under section 112 of the CAA to include, ''* * * for pollutants other than radionuclides, any stationary source that emits, or has the potential to emit, in the aggregate and including fugitive emissions, 10 tons per year or more of any hazardous air pollutant which has been listed pursuant to section 112(b) of the CAA, 25 tons per year of any combination of such hazardous air pollutants * * *.'' (Emphasis added.)

2. Rule deficiency: PDEQ's rules did not clearly specify when a source became subject to title V. EPA required the District to revise PCC Sec. 17.12.150(B) and Sec. 17.12.150(G)(1) to correct this problem.

Rule change: The text of PCC 17.12.150 was removed and replaced by an incorporation by reference of AAC R18–2–303, a rule that was submitted as part of the State of Arizona's (ADEQ's) title V program. EPA found the version of R18–2–303 effective on November 15, 1993 and submitted as part of the State's title V program to be approvable. In terms of substance, the incorporation of AAC R18–2–303 resolves the interim approval issue. Notwithstanding the approvability of the substance of Pima's rule, it does not include a reference date for the material incorporated by reference. EPA believes that the identification of the version of materials incorporated by reference is critical to enforceability and clarity, and therefore finds this change to be unapprovable; however, Pima has undertaken a rulemaking to correct this problem and plans to submit the revised rule to EPA by September 28, 2001. We are therefore proposing to approve this change concurrent with Pima's rulemaking to add a reference date. Alternatively, if Pima does not revise and resubmit the rule as described above, we will be unable to grant full approval to the Pima title V program. If we do not fully approve the District's title V program by December 1, 2001, PDEQ will lose its authority to implement its title V operating permits program and the federal operating permit program (part 71) will be in effect.

3. Rule deficiency: EPA required that the District revise PCC Sec. 17.12.160(E)(7) to provide that only emissions units that are not subject to unit-specific applicable requirements

may qualify for treatment as insignificant emissions units. See § 70.5(c).

Rule changes: Pima has revised its provisions regarding insignificant activities to be consistent with those of ADEQ, which EPA found fully approvable in our initial program actions. PCC 17.12.160 was amended to be identical to AAC R18–2–304 and now requires that insignificant activities be listed in the application. The definition of insignificant activities (PCC 17.04.340.109) has been amended to be identical to ADEQ's definition (Rule R18–2–101.54). For additional analysis of the insignificant activity issue, see 61 FR 55911; October 30, 1996.

4. Rule deficiency: Section 70.6(a)(8) requires that title V permits contain a provision that ''no permit revision shall be required under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in the permit.'' PCC Sec. 17.12.180(A)(10) included this exact provision but also included a sentence that negated this provision. EPA required that PDEQ either delete or revise the negating sentence to make the rule consistent with part 70.

Rule change: The negating sentence has been deleted from the District's rule.

5. Rule deficiency: Section 70.4(b)(12) provides that sources are allowed to make changes within a permitted facility without requiring a permit revision, if the changes are not modifications under any provision of title I of the Act and the changes do not exceed the emissions allowable under the permit. PCC 17.12.180(A)(14) provided for such permit conditions but did not restrict the allowable changes to those that are not modifications under title I of the Act and those that do not exceed the emissions allowable under the permit. Pima was required to revise PCC 17.12.180(A)(14) to add these conditions.

Rule change: Pima has corrected this deficiency by revising PCC 17.12.180(A)(14) to include the following language: ''Changes made under this paragraph (14) shall not include modification under any provision of Title I of the Act and may not exceed emissions allowable under the permit.''

6. Rule deficiency: EPA required that the District revise PCC Sec. 17.12.340 to include a provision for giving public notice ''by other means if necessary to assure adequate notice to the affected public.'' See § 70.7(h)(1).

Rule change: Pima has submitted a new rule (Rule 17.12.345) that incorporates by reference A.R.S 49–104(B)(3) as amended in 1995. This rule provides that, ''[t]he department, through the Director, shall * * * utilize any medium of communication, publication and exhibition when disseminating information, advertising and publicity in any field of its purposes, objectives or duties.''

B. Other Changes

Some of the rules the District submitted to EPA for approval incorporate changes other than those necessary to correct interim approval deficiencies. In this action, EPA is also proposing to approve, as a title V operating permit program revision, those additional program changes made by PDEQ since the interim approval was granted. We have evaluated the additional changes and, with one exception that is described in detail below, find that they are consistent with part 70. We are including the additional changes in our proposed approval.

Paragraph (c) of PDEQ's definition of major source (17.04.340(122)) lists source categories that must count fugitives. Subparagraph xxvii has been modified to read: ''All other stationary source categories regulated by a standard promulgated as of August 7, 1980 under section 111 or 112 of the Act, but only with respect to those air pollutants that have been regulated for that category.'' Emphasis added. The addition of this 1980 cutoff date restricts the types of sources that are required to count fugitives towards the major source threshold. This is inconsistent with part 70 and is not approvable. EPA has, however, proposed to revise the major source definition to incorporate the 1980 cutoff. We are therefore proposing to approve the District's definition of major source provided that EPA finalizes revisions to the part 70 rule that will make the change approvable. Alternatively, if EPA does not finalize the changes to part 70 described above, Pima's major source definition will conflict with the operative version of part 70 and we will be unable to approve it. The remedy to Pima's interim approval issue regarding the counting of fugitive emissions of hazardous air pollutants resides within that same definition, so if we are barred from approving Pima's new major source definition because of the 1980 date, we will be unable to grant full approval to PDEQ's title V program. As a result, Pima would lose its authority to implement its title V operating permits program on December 1, 2001, and part 71 will be in effect.

PDEQ made a number of additional changes to the rules that implement their part 70 program, many of which were non-substantive (e.g., recodifications) or irrelevant (e.g., changes to requirements applying to non-title V sources). A general description of the more substantive changes follows. For more detail on all of the changes, refer to section B of the technical support document.

The District's permit application and processing procedures were modified to specify that an application will not be considered complete if the Control Officer disputes a source's claim of confidentiality. PDEQ's permit content provisions were also modified. Prompt reporting of deviations is now defined as notice that is provided within two working days. A new paragraph explicitly restricts emissions to units for which emissions are quantifiable or for which there are replicable procedures to enforce the emission trades. The list of conditions that must be included in a title V permit has been expanded to include ''such other terms and conditions as are required by the Act, A.R.S. Title 49, Chapter 3, Articles 1 and 2 and 3, and the rules adopted pursuant thereto.''

The permit content provisions have also been modified to redefine the terms and conditions in a title V permit that are enforceable by the Administrator and citizens under the Act. It generally requires that the Control Officer designate as not federally enforceable any terms and conditions that are not required under the Act or any of its applicable requirements. It also includes an independent mandate that terms and conditions that are entered into voluntarily are enforceable by citizens and the Administrator under the Clean Air Act. The rule was also modified to require that all permits include a condition that specifies that noncompliance with any federally enforceable requirement in a permit constitutes a violation of the Clean Air Act. It had previously stated that any permit noncompliance constitutes a violation of the Act. Finally, the emergency provisions have been modified so that they are now entirely consistent with § 70.6(g).

V. What Is the Effect of This Proposed Action?

Pima has adopted rule revisions that address the issues identified in EPA's interim approval and has made additional revisions to its program as described above. The District is currently in the process of adopting revisions that will specify the version of the materials they have incorporated by

reference. PDEQ has submitted a copy of its revised rules to EPA and has requested that we propose action on those rules currently being revised during the period that the District is accepting comment on the addition of a reference date for the rules that were incorporated by reference. The rules proposed for approval today are those that were previously submitted along with those for which the District comment period commenced on August 9, 2001. Table 1 lists the rules addressed by this proposal with the dates that they were (or are anticipated to be) adopted and submitted by PDEQ.

TABLE 1.—SUBMITTED RULES

Rule #	Rule title	Adopted	Submitted
17.04.340.A. (122).	Words, phrases, and terms—definition of ''Major source'' only	Scheduled for adoption on 9/11/01.	Submittal anticipated by 9/28/01
17.04.340.A. (109).	Words, phrases, and terms—definition of ''Insignificant activity'' only	4/7/98	5/28/98
17.12.150	Transition from installation and operating permit program to unitary permit program	Scheduled for adoption on 9/11/01.	Submittal anticipated by 9/28/01
17.12.160	Permit application processing procedures	4/7/98	5/28/98
17.12.180	Permit contents	4/7/98	5/28/09
17.12.345	Public notification	4/7/98	5/28/98

As noted above, PDEQ has already adopted and submitted most of the required changes. Should the District adopt Rules 17.12.150 and 17.04.340.A.(122) in the form in which they were noticed and submit them to EPA as a title V program revision, Pima will have fulfilled the conditions of the interim approval granted on October 30, 1996 (61 FR 55910). EPA is therefore proposing full approval of the PDEQ operating permit program, contingent on the adoption and submittal of minor revisions to Rules 17.12.150 and 17.04.340.A.(122), and contingent on EPA finalizing its proposed change to the part 70 definition of major source. In addition, we are proposing to approve, as a title V operating permit program revision, additional changes to PDEQ's rules, as described in section IV.B. of this document.

VI. Are There Other Issues With This Program?

On May 22, 2000, EPA promulgated a rulemaking that extended the interim approval period of 86 operating permits programs until December 1, 2001 (65 FR 32035). The action was subsequently challenged by the Sierra Club and the New York Public Interest Research Group (NYPIRG). In settling the litigation, EPA agreed to publish a document in the **Federal Register** that would alert the public that they may identify and bring to EPA's attention alleged programmatic and/or implementation deficiencies in Title V programs and that EPA would respond to their allegations within specified time periods if the comments were made within 90 days of publication of the **Federal Register** document.

One citizens' group commented on what it believes to be deficiencies with respect to PDEQ's title V program. EPA takes no action on those comments in today's action and will respond to them by December 1, 2001. As stated in the **Federal Register** notice published on December 11, 2000, (65 FR 77376) EPA will respond by December 1, 2001 to timely public comments on programs that have obtained interim approval, and EPA will respond by April 1, 2002 to timely comments on fully approved programs. We will publish a notice of deficiency (NOD) when we determine that a deficiency exists, or we will notify the commenter in writing to explain our reasons for not making a finding of deficiency. An NOD will not necessarily be limited to deficiencies identified by citizens and may include any deficiencies that we have identified through our program oversight.

Request for Public Comment

EPA requests comments on the program revisions discussed in this proposed action. Copies of the Pima submittal and other supporting documentation used in developing the proposed full approval are contained in docket files maintained at the EPA Region 9 office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this proposed full approval. The primary purposes of the docket are: (1) To allow interested parties a means to identify and locate documents so that they can effectively participate in the approval process, and (2) to serve as the record in case of judicial review. EPA will consider any comments received in writing by October 10, 2001.

Administrative Requirements

Under Executive Order 12866, ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993), this proposed action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) the Administrator certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities because it merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. This rule does not contain any unfunded mandates and does not significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) because it proposes to approve pre-existing requirements under state law and does not impose any additional enforceable duties beyond that required by state law. This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000). This rule also does not have Federalism implications because it will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and

responsibilities among the various levels of government, as specified in Executive Order 13132, ''Federalism'' (64 FR 43255, August 10, 1999). The rule merely proposes to approve existing requirements under state law, and does not alter the relationship or the distribution of power and responsibilities between the State and the Federal government established in the Clean Air Act. This proposed rule also is not subject to Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997) or Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001), because it is not a significantly regulatory action under Executive Order 12866. This action will not impose any collection of information subject to the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, other than those previously approved and assigned OMB control number 2060–0243. For additional information concerning these requirements, see 40 CFR part 70. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

In reviewing State operating permit programs submitted pursuant to Title V of the Clean Air Act, EPA will approve State programs provided that they meet the requirements of the Clean Air Act and EPA's regulations codified at 40 CFR part 70. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a State operating permit program for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews an operating permit program, to use VCS in place of a State program that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: August 30, 2001.

Sally Seymour,

Acting Regional Administrator, Region IX.

[FR Doc. 01–22623 Filed 9–7–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–7051–1]

District of Columbia: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The District of Columbia has applied to EPA for Final authorization of changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA proposes to grant such Final authorization to the District of Columbia. In the ''Rules and Regulations'' section of this **Federal Register**, EPA is authorizing the changes by an immediate final rule. EPA did not make a proposal prior to the immediate final rule because we believe this action is not controversial and we do not expect comments that oppose it. We have explained the reasons for this authorization in the preamble to the immediate final rule. Unless we get written comments which oppose this authorization during the comment period, the immediate final rule will become effective on the date it establishes, and we will not take further action on this proposal. If we get comments that oppose this action, we will withdraw the immediate final rule, and it will not take effect. We will then respond to public comments in a later final rule based on this proposal. You may not have another opportunity for comment. If you want to comment on this action, you must do so at this time.

DATES: Send your written comments by October 10, 2001.

ADDRESSES: Send written comments to Charles Bentley, Mailcode 3WC21, RCRA State Programs Branch, U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103–2029, Phone number: (215) 814–3379. You can examine copies of the materials submitted by the District of Columbia during normal business hours at the following locations: District of Columbia Department of Health, Environmental Health Administration, Bureau of Hazardous Materials and Toxic Substances, Hazardous Waste Division, 51 N Street, NE., 3rd Floor, Washington DC 20002, Phone number (202) 535–2290, attn: James Sweeney; or EPA Region III, Library, 2nd Floor, 1650 Arch Street, Philadelphia, PA 19103–2029, Phone number: (215) 814–5254.

FOR FURTHER INFORMATION CONTACT: Charles Bentley, Mailcode 3WC21, RCRA State Programs Branch, U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103–2029, Phone number: (215) 814–3379.

SUPPLEMENTARY INFORMATION: For additional information, please see the immediate final rule published in the ''Rules and Regulations'' section of this **Federal Register**.

Dated: August 24, 2001.

Donald S. Welsh,

Regional Administrator, Region III.

[FR Doc. 01–22521 Filed 9–7–01; 8:45 am]

BILLING CODE 6560–50–U

LEGAL SERVICES CORPORATION

45 CFR Part 1611

Solicitation for Expressions of Interest in Participation in Negotiated Rulemaking Working Group

AGENCY: Legal Services Corporation.

ACTION: Request for expressions of interest in participation in Negotiated Rulemaking Working Group.

SUMMARY: LSC is conducting a Negotiated Rulemaking to consider revisions to its eligibility regulations at 45 CFR Part 1611. LSC hereby solicits expressions of interest in appointment to the Working Group from the regulated community, its clients, advocates, the organized bar and other interested parties.

DATES: Expressions of interest must be received by September 25, 2001.

FOR FURTHER INFORMATION CONTACT: Mattie C. Condray, Senior Assistant General Counsel, Legal Services Corporation, 750 First Street NE., Washington, DC 20002–4250; (202) 336–8817; *mcondray@lsc.gov.*

SUPPLEMENTARY INFORMATION: 45 CFR part 1611 sets forth the requirements relating to determination and documentation of client eligibility. The current version of 1611 was adopted in 1983. There have been two proposed revisions to 1611 published since then, one in 1989 and another in 1995, but neither rulemaking was completed. Many outstanding issues prompting the 1995 proposed rulemaking remain extant and there are other issues, particularly related to documentation requirements, which are appropriate for discussion. In addition, there is a FY1998 statutory change which should be incorporated into the regulation.

In light of the above, the LSC Board of Directors identified 45 CFR part 1611, Eligibility, as an appropriate subject for

rulemaking on January 27, 2001. On June 30, 2001, the LSC President and the Chair of the Operations and Regulations Committee made a determination to proceed with the institution of a Negotiated Rulemaking to consider amendments to Part 1611. In accordance with the LSC Rulemaking Protocol, LSC is now formally soliciting suggestions for appointment to the Working Group from the regulated community, its clients, advocates, the organized bar and other interested parties.

The Negotiated Rulemaking Working Group

LSC anticipates that the Working Group will be a group of 15–20 persons comprised of LSC representatives and affected and/or interested parties (*i.e.,* individual recipients, clients, national organizations, local and national bar associations, etc.). LSC anticipates that the Working Group will include LSC representatives from the Office of Legal Affairs, the Office of Program Performance, and the Office of Compliance and Enforcement, along with a liaison from the Office of Inspector General. LSC is seeking external members representing national legal services advocacy organizations; individual recipients (preferably reflecting large/small and/or urban/rural diversity); clients; national and local organized bar associations; and other interested stakeholders. While there are no specific ''criteria'' for membership, it is expected that members will have the support of their organizations in participating in the effort and be knowledgeable about the issues.

Once appointed, the Working Group will meet under the direction of a trained facilitator with the aim of developing a consensus-based proposed rule. LSC expects that the Working Group will meet in 2–3 day, face-to-face sessions over the coming several months.

Solicitation of Expressions of Interest in Appointment to the Working Group

LSC hereby solicits expressions of interest in appointment to the Working Group from the regulated community, its clients, advocates, the organized bar and other interested parties. Expressions of interest must be submitted no later than 15 days from the date of publication of this notice. Expressions of interest must be submitted in writing (by regular mail, fax or email) to LSC's Mattie Condray at the addresses listed in this notice.

Once LSC has received expressions of interest, the President, working in consultation with the Operations and Regulations Committee, acting through its Chair, will make appointments of individuals and organizations to the Working Group. Groups or organizations asked to participate in the Working Group will be responsible for selecting and designating their own representatives.

Victor M. Fortuno,

General Counsel and Vice President for Legal Affairs.

[FR Doc. 01–22595 Filed 9–7–01; 8:45 am]

BILLING CODE 7050–01–P

LEGAL SERVICES CORPORATION

45 CFR Part 1626

Solicitation for Expressions of Interest in Participation in Negotiated Rulemaking Working Group

AGENCY: Legal Services Corporation.

ACTION: Request for expressions of interest in participation in Negotiated Rulemaking Working Group.

SUMMARY: LSC is conducting a Negotiated Rulemaking to consider revisions to its alien representation regulations at 45 CFR part 1626. LSC hereby solicits expressions of interest in appointment to the Working Group from the regulated community, its clients, advocates, the organized bar and other interested parties

DATES: Expressions of interest must be received by September 25, 2001.

FOR FURTHER INFORMATION CONTACT: Mattie C. Condray, Senior Assistant General Counsel, Legal Services Corporation, 750 First Street NE., Washington, DC 20002–4250; (202) 336–8817; *mcondray@lsc.gov.*

SUPPLEMENTARY INFORMATION: 45 CFR part 1626 sets forth the restrictions on legal assistance LSC grant recipients may provide to non-U.S. citizens. Although Part 1626 was last amended relatively recently (1997), this regulation has been identified both by staff and field representatives as in need of additional amendment. In the years since its last amendment, several practical issues have emerged, such as issues relating to documentation requirements, representation of groups of aliens, and representation of legal aliens not currently covered by the rule. In addition, the findings of the Erlenborn Commission and certain provisions from the Victims of Trafficking and Violence Protection Act of 2000 need to be incorporated into the 1626 regulations.

In light of the above, the LSC Board of Directors identified 45 CFR part 1626, Restrictions on Legal Assistance to Aliens, as an appropriate subject for rulemaking on January 27, 2001.[1] On June 30, 2001, the LSC President and the Chair of the Operations and Regulations Committee made a determination to proceed with the institution of a Negotiated Rulemaking to consider amendments to part 1626. In accordance with the LSC Rulemaking Protocol, LSC is now formally soliciting suggestions for appointment to the Working Group from the regulated community, its clients, advocates, the organized bar and other interested parties.

The Negotiated Rulemaking Working Group

LSC anticipates that the Working Group will be a group of 15–20 persons comprised of LSC representatives and affected and/or interested parties (i.e., individual recipients, clients, national organizations, local and national bar associations, etc.). LSC anticipates that the Working Group will include LSC representatives from the Office of Legal Affairs, the Office of Program Performance, and the Office of Compliance and Enforcement, along with a liaison from the Office of Inspector General. LSC is seeking external members representing national legal services advocacy organizations; individual recipients (preferably reflecting large/small and/or urban/rural diversity); clients; national and local organized bar associations; and other interested stakeholders. While there are no specific ''criteria'' for membership, it is expected that members will have the support of their organizations in participating in the effort and be knowledgeable about the issues.

Once appointed, the Working Group will meet under the direction of a trained facilitator with the aim of developing a consensus-based proposed rule. LSC expects that the Working Group will meet in 2–3 day, face-to-face sessions over the coming several months.

Solicitation of Expressions of Interest in Appointment to the Working Group

LSC hereby solicits expressions of interest in appointment to the Working Group from the regulated community, its clients, advocates, the organized bar and other interested parties. Expressions of interest must be submitted no later

[1] The LSC Board of Directors had previously identified 1626 as an appropriate subject for rulemaking as it relates to the incorporation of the findings of the Erlenborn Commission as adopted by the LSC Board of Directors in 1999. The current action supercedes and subsumes that previously announced rulemaking action.

than 15 days from the date of publication of this notice. Expressions of interest must be submitted in writing (by regular mail, fax or email) to LSC's Mattie Condray at the addresses listed in this notice.

Once LSC has received expressions of interest, the President, working in consultation with the Operations and Regulations Committee, acting through its Chair, will make appointments of individuals and organizations to the Working Group. Groups or organizations asked to participate in the Working Group will be responsible for selecting and designating their own representatives.

Victor M. Fortuno,

General Counsel and Vice President for Legal Affairs.

[FR Doc. 01–22596 Filed 9–7–01; 8:45 am]

BILLING CODE 7050–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 090401C]

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Public meeting.

SUMMARY: The New England Fishery Management Council (Council) will hold a 3-day Council meeting on September 25 through 27, 2001, to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Tuesday, Wednesday, and Thursday, September 25, 26, and 27, 2001. The meeting will begin at 9:00 a.m. on Tuesday and 8:30 a.m. on Wednesday and Thursday.

ADDRESSES: The meeting will be held at the Holiday Inn Express, 110 Middle Street, Fairhaven, MA 02719; telephone (508) 997–1281. Requests for special accommodations should be addressed to the New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950; telephone (978) 465–0492.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Tuesday, September 25, 2001

After introductions, the Council will elect its 2001–2002 officers. The Sea Scallop Committee report to follow will be the only item on the agenda for the rest of the day. The Sea Scallop Committee will ask the Council to approve draft management measures to be included and analyzed in the Draft Supplemental Environmental Impact Statement for Amendment 10 to the Sea Scallop Fishery Management Plan (FMP). The discussion will include review of Sea Scallop Scallop Committee, Plan Development Team, and Advisory Panel recommendations. Measures to be considered include options that concern: Finfish bycatch during scallop fishing; limited access permit restrictions, including allocating differing days-at-sea amounts by gear sector; framework adjustments and annual specifications, including changing the scallop fishing year and increasing the days-at-sea carry-over provision; programs to fund and administer scallop research and on-board observers; data collection and monitoring; management of the general category open-access scallop fishery and possibly other measures.

Wednesday, September 26

The Research Steering Committee will provide an update on its most recent activities. The Northeast Fisheries Science Center will then present a follow-up report on the stock status of Gulf of Maine cod, which was included as part of an advisory to the Council last month. The NMFS Regional Office will then review its recent efforts to revise the current days-at-sea management system. Following these briefings, there will be a report from the Council's Capacity Committee on its progress to develop proposals to reduce latent fishing effort, allow consolidation of fishing effort and modify permit transfer restrictions. The remainder of the day will be spent on groundfish issues. The Council intends to take final action on Framework Adjustment 36 to the Northeast Multispecies FMP. Measures under the framework would reduce Gulf of Maine (GOM) cod fishing mortality and discards, extend or change the Western GOM closed area, change the area authorized for the northern shrimp fishery, and allow tuna purse seine vessels access to groundfish closed areas. The Council is considering the full range of measures for reducing GOM cod fishing mortality, including changes to recreational fishing measures.

Thursday, September 27

Reports on recent activities will include those from the Council Chairman and Executive Director, the NMFS Regional Administrator, Northeast Fisheries Science Center and Mid-Atlantic Fishery Management Council liaisons, NOAA General Counsel and representatives of the U.S. Coast Guard, NMFS Enforcement and the Atlantic States Marine Fisheries Commission. The Council's Scientific and Statistical Committee will review its deliberations on issues and questions about the status determination criteria (overfishing definitions) for scallops under rotational area management, red crab and skates, and the Stock Assessment Workshop (SAW) 33 Advisory Report. The Monkfish Committee will review its initial discussions concerning the annual framework adjustment called for in the Monkfish FMP. Included will be the effect of the timing of the upcoming monkfish stock assessment and the impact of the recent court decision on the Council's actions. The Monkfish Committee will also review its discussions about preliminary recommendations for 2002 workload priorities, including a possible plan amendment. The Herring Committee will discuss and ask the Council to take final action on Framework Adjustment 1 to the Atlantic Herring FMP. The action would implement a January through May seasonal quota in herring Management Area 1A and set a 6,000 metric ton quota in the areas for 2002. The committee also will recommend not to support a mid-season adjustment to the 2001 allocation for joint ventures and not to develop a limited entry or controlled access in 2002. The Protected Species Committee will report on and ask for approval of its comments on NMFS's draft Right Whale Recovery Plan and Biological Opinions for the Northeast Multispecies, Monkfish, and Dogfish FMPs. The day will conclude with a report on Marine Protected Areas by the Council Executive Director. Any other outstanding business also will be addressed at this time.

Although other non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subjects of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to

take final action to address the emergency.

The New England Council will consider public comments at a minimum of two Council meetings before making recommendations to the National Marine Fisheries Service Regional Administrator on any framework adjustment to a fishery management plan. If the Regional Administrator concurs with the adjustment proposed by the Council, the Regional Administrator may publish the action either as proposed or final regulations in the **Federal Register**. Documents pertaining to framework adjustments are available for public review 7 days prior to a final vote by the Council.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: September 5, 2001.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–22647 Filed 9–7–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 082901A]

Fisheries of the Northeastern United States; Supplemental Environmental Impact Statements (SEISs) for the Essential Fish Habitat (EFH) Components of the Monkfish, Atlantic Herring, and Atlantic Salmon Fishery Management Plans (FMPs)

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notification of intent to prepare an SEIS; request for comments; notice of scoping meeting.

SUMMARY: NMFS announces its intent to prepare SEISs in accordance with the National Environmental Policy Act of 1969 (NEPA) for the EFH components of the Monkfish, Atlantic Herring, and Atlantic Salmon FMPs. NMFS will hold a public scoping meeting and accept written comments to determine the range of management alternatives to be addressed in the SEISs to describe and identify EFH for these fisheries, minimize to the extent practicable the adverse effects of fishing on EFH, and identify other actions to encourage the conservation and enhancement of EFH.

DATES: NMFS will accept written comments through November 9, 2001. A public scoping meeting will be held on September 27, 2001, from 2:30 until 4:30 p.m.

ADDRESSES: Written comments on the intent to prepare the SEISs and requests for the scoping document or other information should be directed to the National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930, Attn: Louis A. Chiarella. Comments may also be sent via facsimile (fax) to (978) 281–9301. NMFS will not accept unsigned faxes or comments by e-mail. The public meeting will be held at the NMFS Northeast Regional Office, One Blackburn Drive, Gloucester, MA, on September 27, 2001.

FOR FURTHER INFORMATION CONTACT: Louis A. Chiarella, Essential Fish Habitat Coordinator, 978–281–9277, fax 978–281–9301, e-mail *Lou.Chiarella@noaa.gov*.

SUPPLEMENTARY INFORMATION: In response to a U.S. District Court Order (*AOC* v. *Daley*, September 14, 2000), the NMFS is re-evaluating the EFH components of Amendment 1 to the Monkfish FMP, the Atlantic Herring FMP and Amendment 1 to the Atlantic Salmon FMP. The EFH sections being re-evaluated for these fisheries were developed as part of an EFH Omnibus Amendment and were approved by the Secretary of Commerce for monkfish on April 22, 1999, Atlantic herring on October 27, 1999, and Atlantic salmon on April 21, 1999. NMFS will prepare SEISs and will consider EFH and Habitat Areas of Particular Concern (HAPC) for these fisheries, as well as fishing and non-fishing threats to EFH as required under the Magnuson-Stevens Fishery Conservation and Management Act.

NMFS is considering the need to revise the EFH designations for monkfish, Atlantic herring, and Atlantic salmon based upon any available new scientific information and is considering potential HAPC designations. NMFS will consider a range of alternatives to minimize adverse effects of fishing activities on EFH.

NMFS and the New England Fishery Management Council (Council) will jointly develop EFH analysis and management alternatives for the Monkfish, Atlantic Herring, and Atlantic Salmon FMPs. Analysis and subsequent management alternatives may be presented as one NEPA document addressing EFH for all three species, as two or more separate NEPA documents addressing the EFH for each species separately or in combination with another species, or (3) as part of a combined NEPA document that also addresses other fisheries management issues for one or more of these species.

The public is invited and encouraged to assist NMFS and the Council in developing the scope of EFH alternatives to be analyzed.

Public Information Meeting

The public scoping meeting will be held on September 27, 2001, from 2:30 until 4:30 p.m., at the NMFS Northeast Regional Office, One Blackburn Drive, Gloucester, MA, Conference Room.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Louis A. Chiarella (see **FOR FURTHER INFORMATION CONTACT**) at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 5, 2001.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–22648 Filed 9–7–01; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register
Vol. 66, No. 175
Monday, September 10, 2001

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

September 5, 2001.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 *and* to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–6746.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Cooperative State Research, Education, and Extension Service

Title: Grant Application Forms for the Small Business Innovation Research Grants Program.

OMB Control Number: 0524–0025.

Summary of Collection: In 1982, the Small Business Innovation Research (SBIR) Grants Program was authorized by Public Law 97–219, and in 2000, reauthorized through September 30, 2008, by Public Law 106–564. This legislation requires each Federal agency with a research and development budget in excess of $100 million to establish an SBIR program. the objections of the U.S. Department of Agriculture (USDA), Cooperative State Research, Education, and Extension Service (CSREES), SBIR Program are to stimulate technological innovation in the private sector, strengthen the role of small businesses in meeting Federal research and development needs, increase private sector commercialization of innovations derived for USDA-supported research and developments efforts, and foster and encourage participation by women-owned and socially and economically disadvantaged small business firm in technological innovation. USDA conducts its SBIR Program through the use of grants awards and the Grants Management Branch, CSREES, administers these grants. Each year, USDA issues an SBIR Program Solicitation requesting Phase I proposals. These proposals are evaluated by peer review panels and awarded on a competitive basis. The SBIR Program Solicitation requests that applicants submit proposals following the format outlined in the SBA Policy Directive.

Need and Use of the Information: CSREES uses forms CSREES–667, ''Proposal Cover Sheet'' and CSREES–668, ''Project Summary,'' to collect recordkeeping data, required certification, and information used to respond to inquiries from Congress, other Government agencies, and the grantee community concerning grant projects supported by the USDA SBIR Program.

Description of Respondents: Business or other for-profit; Individuals or households.

Number of Respondents: 480.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 2,472.

National Agricultural Statistics Service

Title: Milk and Milk Products.

OMB Control Number: 0535–0020.

Summary of Collection: U.S. Code Title 7, Section 2204, statute specifies that ''The Secretary of Agriculture shall procure and preserve all information concerning agriculture which he can obtain* * *by the collection of statistics* * *and shall distribute them among agriculturists''. The National Agricultural Statistics Service's (NASS) primary function is to prepare and issue current official state and national estimates of crop and livestock production. Estimates of milk production and manufactured dairy products are an integral part of this program. Statistics on milk production and manufactured dairy products are used by the U.S. Department of Agriculture (USDA) to carry out the National Dairy Support Program.

Need and Use of the Information: Milk and dairy statistics are used by USDA to help administer price support programs and by the dairy industry in planning, pricing, and projecting supplies of milk and milk products. Dairy products prices are collected weekly to meet the time requirements for the announcement of milk price supports under the Federal Order Program. Estimates of number of total milk production are used by the dairy industry in planning, pricing, and projecting supplies of milk and milk products. Collecting data less frequently would prevent USDA and the agricultural industry from keeping abreast of changes at the state and national level.

Description of Respondents: Farms; Business or other for-profit.

Number of Respondents: 44,689.

Frequency of Responses: Reporting: Quarterly; Weekly; Monthly; Annually; Other biweekly.

Total Burden Hours: 24,223.

Farm Service Agency

Title: Application for Payment of Amounts Due Persons Who Have Died, Disappeared or Have Been Declared Incompetent.

OMB Control Number: 0560–0026.

Summary of Collection: Representatives or survivors of producers who die, disappear, or are

declared incompetent must be afforded a method of obtaining any payment intended for the producer. 7 CFR part 707 provides that form FSA–325 be used as the form of application for persons desiring to claim such payments. The information collected is necessary to determine whether representatives or survivors of a producer are entitled to receive payments earned by a producer who dies, disappears, or is declared incompetent before receiving the payment.

Need and Use of the Information: FSA will collect information using form FSA–325 to determine if the survivors have rights to the existing payments. The information will also help FSA determine if the survivors have rights to the unpaid portions of the producer's payments.

Description of Respondents: Individuals or households; Business or other for-profit; Not-for-profit institution; State, Local or Tribal Government.

Number of Respondents: 4,000.

Frequency of Responses: Reporting: Other (when necessary).

Total Burden Hours: 6,000.

Farm Service Agency

Title: Warehouse Regulations Under USWA and Standards for Approval of Warehouses.

OMB Control Number: 0560–0120.

Summary of Collection: Section 4 of the United States Warehouse Act (USWA) (7 U.S.C. 244) states ''That the Secretary of Agriculture, or his designated representative, is authorized, upon application to him, to issue to any warehouseman a license for the conduct of a warehouse or warehouses in accordance with this Act and such rules and regulations and may be hereunder: *Provided,* that each such warehouse be found suitable for the proper storage of the particular agricultural product or products for which a license is applied for, and that such warehousemen agree, as a condition to the granting of the license, to comply with and abide by all the terms of this Act and the rules and regulations prescribed hereunder.'' The Farm Service Agency (FSA) administers the USWA. Although there are several warehouse types covered under the USWA, the reporting requirements within a particular warehouse type are essentially the same as those across all warehouse types and, with some exceptions, the forms are used bilaterally; that is, they are used for both USWA licensing and Commodity Credit Corporation purposes. The forms are furnished to interested warehouse operators or used by the warehouse examiners employed by FSA to secure and record information about the warehouse operators and the warehouse.

Need and Use of the Information: FSA will collect information (1) to determine whether or not the warehouse and the warehouse operator making application for licensing and/or approval meets applicable standards; (2) to issue such license or approvals; (3) to determine, once licensed or approved, that the licensee or warehouse operator continues to meet such standards and is conforming to regulatory or contractual obligations, (4) to determine that the stored commodity is in good condition and (5) to determine that the licensee or warehouse operator is storing the commodity for which licensed or approval in a safe and prudent manner.

Description of Respondents: Business or other for-profit

Number of Respondents: 4,600.

Frequency of Responses: Recordkeeping; Reporting: On occasion; Annually; Other (daily record)

Total Burden Hours: 14,701.

Farm Service Agency

Title: 7 CFR 1924–B Management Advice to Individuals Borrowers and Applicants.

OMB Control Number: 0560–0154.

Summary of Collection: The Consolidated Farm and Rural Development Act (CONACT) as amended, authorizes the Secretary of Agricultural to make and service direct farm loans to eligible applicants. The collection of information is needed to develop sound farm loan assessments, provide appropriate credit counseling and credit supervision that will assist the Agency's customers toward successful farming/ranching operations. The Farm Service Agency will collect information using several FSA forms.

Need and Use of the Information: FSA will collect information to protect the government's financial interests by ensuring the farming operations of the Agency's direct loan customers be properly assessed for short and long-term financial feasibility. The information is also used to ensure all customers receive appropriate credit counseling and credit supervision to ensure the greatest chance for financial and productive success. If the information were not collected the Agency would be unable to meet the mission of the loan program mandated by Congress.

Description of Respondents: Farm; Business or other-for-profit; Federal Government; Not-for-profit institutions

Number of Respondents: 63,125.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 157,646.

Risk Management Agency

Title: Multiple Peril Crop Insurance.

OMB Control Number: 0563–0053.

Summary of Collection: Previous amendments to the Federal Crop Insurance Act have expanded the role of the crop insurance program to be the principal tool for risk management by producers of farm products and provided for nationwide expansion of a comprehensive crop insurance program. In June of 2000, the ACT was amended again by Public Law 106–224 mandating changes to crop insurance regulations, providing for independent review of crop insurance products by person experienced as actuaries and in underwriting, giving contracting authority for the development of new products, and requiring that the crop insurance program operate on an actuarially sound basis. To meet the goals, existing crop programs must be improved and expanded, new crop products developed, and new insurance concepts studied for possible implementation.

Need and Use of the Information: Federal Crop Insurance Corporation (FCIC) offers a Standard Reinsurance Agreement to eligible crop insurance companies under which FCIC will use data elements instead of standards forms. The information collected may be used by Federal agencies, Risk Management Agency, crop insurance companies reinsured by FCIC, and other agencies that require such information in the performance of their duties. If the information were not collected by specified dates, the producers may not have insurance coverage or the amount of insurance may be reduced and the crop insurance program would not be administered in an actuarially sound manner.

Description of Respondents: Farms; Business or other for-profit.

Number of Respondents: 1,304,390.

Frequency of Response: Recordkeeping; Reporting: Other.

Total Burden Hours: 1,194,316.

Rural Business-Cooperative Service

Title: Value-Added Agricultural Product market Development Grant Program (Independent Producers).

OMB Control Number: 0570–0039.

Summary of Collection: The Rural business-Cooperative Service (RBS) an agency within the USDA Rural Development mission area will administer the Value-Added Agricultural Product Market Development Grant Agreement Program.

The objective of this program is to encourage producers of agricultural commodities and products of agricultural commodities to further refine these products increasing their value to end users of the product. These grants will be used for two purposes: (1) to fund feasibility studies, marketing and business plans, and similar development activities; and (2) to use the grant as part of the venture's working capital fund. Grants will only be awarded if projects or ventures are determined to be economically viable and sustainable.

Need and Use of the Information: RBS will use the information collected to determine (1) applicant eligibility and monitor recipient performance; (2) the specific purpose for which the funds will be utilized; (3) time frames or dates by which activities surrounding the use of funds will be accomplished; (4) feasibility of the project; (5) applicants' experience in managing similar activities; and (6) the effectiveness and innovation used to address critical issues vital to value-added ventures development and sustainability. Without this information there would be no basis on which to ward funds.

Description of Respondents: Business or other for-profit.

Number of Respondents: 120.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 2460.

Rural Business-Cooperative Service

Title: Value-Added Agricultural Product Market Development Grant Program (Resource Center).

OMB Control Number: 0570–0040.

Summary of Collection: The Rural Business-Cooperative Service (RBS) was established by Public Law 103–354, The Department of Agriculture Reorganization Act of 1994. The mission of RBS is to improve the quality of life in rural America by financing community facilities and businesses, providing technical assistance and creating effective strategies for rural development. The objective of this program is to establish a pilot project to be known as the Agricultural Marketing Resource Center. This center will have the capabilities, including electronic capabilities, to collect, disseminate, coordinate, and provide information on value-added processing to independent producers and processors of value-added agricultural commodities and products of agricultural commodities. Funds will be awarded on a competitive basis using specific selection criteria and in amounts up to 50 percent of the costs for carrying out the proposed uses.

Need and Use of the Information: RBS will use the information collected to determine (1) eligibility; (2) the specific purpose for which the funds will be utilized; (3) time frames or dates by which activities surrounding the use of funds will be accomplished; (4) feasibility of the project; (5) applicants' experience in managing similar activities; and (6) the effectiveness and innovation used to address critical issues vital to value-added ventures development and sustainability. Without this ifnormation there would be no basis on which to award funds.

Description of Respondents: Business or other for-profit.

Number of Respondents: 40.

Frequency of Responses: Recordkeeping; Reporting: Semi-annually.

Total Burden Hours: 628.

Rural Utilities Service

Title: Report of Compliance and Participation.

OMB Control Number: 0572–0047.

Summary of Collection: The Rural Utilities Service (RUS) is required to implement regulations of the U.S. Department of Justice and the U.S. Department of Agriculture and to provide for the collection of civil rights data and information from applicants for and recipients of Federal assistance sufficient to permit effective enforcement of Title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975 (Acts). Rus Form 268, Report of Compliance and Participation, is designed for use by RUS electric and telephone borrowers in complying with the reporting requirements outlined in RUS Bulletin 1790–1, ''Nondiscrimination Among Beneficiaries of RUS Programs.'' This guidance bulletin describes the statutes, rules, and regulations, which inform RUS borrowers of their responsibilities for ensuring nondiscrimination practices in the operation of their organizations.

Need and Use of the Information: RUS will collect information to determine the extent to which the borrowers are in compliance with requirements of the Acts, to identify potential problem compliance areas, and to determine a borrower's eligibility for advance of loan funds. If this form is not submitted, RUS would have no method of ensuring borrower compliance with requirements of the Acts.

Description of Respondents: Not-for-profit institutions; Business or other for-profit.

Number of Respondents: 1,500.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 1,005.

Rural Utilities Service

Title: Weather Radio Transmitter Grant Program.

OMB Control Number: 0572–0124.

Summary of Collection: The National Weather Service operates an All Hazards Early Warning System that alerts people in areas covered by its transmissions of approaching dangerous weather and other emergencies. The National Weather Service can typically provide warnings of specific weather dangers up to fifteen minutes prior to the event. At present, this system covers all major metropolitan areas and many smaller cities and towns; however, many rural areas lack National Oceanic and Atmospheric Administration's Weather Radio and Alert System (NOAA) Weather Radio coverage. The Weather Radio Transmitter Grant Program will provide grant funds, for use in rural areas and communities of 50,000 or less inhabitants. The grant funds will be processed on a first-come basis until the appropriation is used in its entirety.

Need and Use of the Information: The Rural Utilities Service (RUS) will use the information from the submission to determine the following: (1) That adequate coverage in the area does not already exist and that the proposed coverage will meet the needs of the community; (2) that design requirements are met; and (3) that the funds needed to complete the project are adequate based on the grant and the matching portion from the applicant.

Description of Respondents: Not for-profit institutions; State, Local or Tribal Government.

Number of Respondents: 60.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 345.

Rural Utilities Service

Title: 7 CFR part 1744, Subpart B, Lien Accommodations and Subordination Policy.

OMB Control Number: 0572–NEW.

Summary of Collection: The Rural Utilities Service (RUS) is a credit agency of the U.S. Department of Agriculture (USDA). It makes mortgage loans and loan guarantees to finance electric, telecommunications, and water and waste facilities in rural areas. The Telecommunications Act of 1996 mandates that universally available and affordable telecommunications services, including advanced services, be made available to all U.S. citizens whether in rural areas or city centers, affluent, or

poor communities. In support of this mandate, RUS is amending its regulation to ensure that, with the assistance of advanced telecommunications technology, rural citizens be provided the same economic, educational, and health care benefits available in the large metropolitan areas.

Need and Use of the Information: This regulation will help RUS facilitate funding from non-RUS sources in order to meet the growing capital needs of rural Local Exchange Carriers and enable the providers to compete in an expanding number of telecommunications services. RUS will use the information to provide ''automatic'' approval for borrowers requesting lien accommodations that meet the required financial tests. These tests are designed to ensure that the financial strength of the borrower is more than sufficient to protect the government's loan security interests; hence, the lien accommodations will not adversely affect the government's financial interests.

Description of Respondents: Business or other for-profit; Not-for-profit institutions.

Number of Respondents: 30.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 23.

Rural Housing Service

Title: Form RD 1940–59, Settlement Statement.

OMB Control Number: 0575–0088.

Summary of Collection: The Rural Housing Service (RHS) and the Farm Service Agency (FSA) are requesting an extension of the OMB clearance for Form RD 1940–59, ''Settlement Statement.'' The Real Estate Settlement Procedures Act (RESPA), as amended, requires the disclosure of real estate settlement costs to real estate buyers and sellers. Disclosure of the nature and costs of a mortgage transaction enables the borrower to be a more informed customer and protects the public from unnecessarily high settlement charges.

Need and Use of the Information: Form RD 1940–49 is completed by Settlement Agents, Closing Attorneys, and Title Insurance Companies performing the closing of RHS loans and credit sales use to purchase or refinance Section 502 Housing, Rural Rental Housing, and Farm Laboring Housing. The same parties performing the closing of FSA Farm Ownership loans and credit sales complete the form. The information is collected to provide the buyer and the seller with a statement detailing the actual costs of the settlement services involved in certain Agency financed real estate transactions. Failure to collect the information and disclose the information would be a violation of the RESPA.

Description of Respondents: Business or for-profit.

Number of Respondents: 17,000.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 28,900.

Rural Housing Service

Title: 7 CFR 1951–N, Servicing Cases Where Unauthorized Loan or Other Financial assistance was received—Multiple Family Housing.

OMB Control Number: 0575–0104.

Summary of Collection: Through regular visits by Rural Development personnel and the Office of Inspector General cases of unauthorized assistance were identified. Unauthorized assistance may in the form of a loan, grant, interest subsidy benefit created through use of an incorrect interest rate, interest credits or rental assistance extended to a Multi-Family Housing borrower or grantee by Rural Housing Service (RHS). RHS has published its own regulation, consistent with the Federal Claims Act, through which it can better assist the recipients of RHS assistance and still adequately protect the Government's interest. The information collected under the provisions of this regulation is provided on a voluntary basis by the recipient of the assistance in question, although failure to cooperate in effecting requiring corrections to loan accounts may result in loss or reduction of benefits or liquidation of the loan. The information collected will primarily be financial data relating to income and expenses. Also, tenants who refuse to cooperate or provide information may lose their subsidy or tenancy.

Need and Use of the Information: The information required by this regulation is collected from Multi-Family Housing borrowers (who may be individuals, partnerships, private or nonprofit corporations or public bodies) and from tenants who reside in the borrower's rental projects. The collections are made from RHS borrowers on an individual case. If this regulation is not continued, the cases involving unauthorized financial assistance would remain unresolved and many borrowers would keep financial benefits for which they did not qualify under RHS loan regulations.

Description of Respondents: Individuals or households; Business or other for-profit; Not-for-profit institutions; Farms; State, Local or Tribal Government.

Number of Respondents: 450.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 800.

Rural Housing Service

Title: Rural Housing Demonstration Program—Section 502.

OMB Control Number: 0575–0114.

Summary of Collection: Section 506 of the Housing Act of 1949 as amended by Title V—Rural Housing of Housing and Urban-Rural Recovery Act of 1983 directs the Secretary to conduct research, technical studies and demonstrations in order to improve the architectural designs, cost effectiveness and utility of housing units. The amendment allows the Secretary to permit housing demonstrations which do not meet existing published standards, rules, regulations or policies, if the Secretary finds that in doing so, the health and safety of the population is not adversely affected. The Rural Housing Service (RHS) will collect information from applicants seeking an innovation housing unit award.

Need and Use of the Information: RHS will collect information from the proposer to evaluate the strengths and weaknesses to which the proposal concept possesses or lacks the attributes set forth in the proposed content and evaluation criteria. RHS will use the collected information to select the most feasible proposals that will enhance the Agency's chances in accomplishing the demonstration objective. The information will be utilized to sustain and modify RHS's current policies pertaining to the construction of modest housing.

Description of Respondents: Business or other for-profit; Not-for-profit institutions; Individuals or households; State, Local or Tribal Government.

Number of Respondents: 25.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 2,000.

Rural Housing Service

Title: 7 CFR 1951–C, ''Offset of Federal Payments to USDA Borrowers'.

OMB Control Number: 0575–0119.

Summary of Collection: The Federal Claims Collection Act of 1966 as amended by the Debt Collection Act of 1982, the Deficit Reduction Act of 1984 and the Debt Collection Improvement Act of 1996 provides for administrative, salary, and Internal Revenue Service offsets by Government agencies to collect delinquent debts. The regulation identifies documents submitted by borrowers requesting a different repayment agreement when they are delinquent on their debt to the Federal Government. This regulation does not

require a response, if the borrower is willing to allow his program payment to be made directly to the agency.

Need and Use of the Information: The information will be utilized by agency personnel and is essential in determining if a different repayment agreement can be accepted. A delinquent borrower is required to pay current or submit documentation ranging from a written agreement, pay current from liquid assets or submit a Farm and Home Plan to show repayment to avoid the offset.

Description of Respondents: Not for profit institutions; State, Local, or Tribal Government.

Number of Respondents: 2,000.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 1,331.

Rural Housing Service

Title: 7 CFR 1942–C, ''Fire and Rescue Loans''.

Summary of Collection: The Rural Housing Service (RHS) is authorized by section 306 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926) to make loans to public agencies, nonprofit corporations, and Indian tribes for the development of essential community facilities primarily servicing rural residents. The primary regulation for administering this Community Facility Program is 7 CFR 1942–A (0575–0015). The information must be collected to determine eligibility, analyze financial feasibility, take security, monitor the use of loan funds, and monitor the financial condition of borrowers, and otherwise assisting borrowers.

Need and Use of the Information: Rural Development field offices will collect the information from applicant/borrowers and consultant through a variety of forms and other existing documents. This information will be used to determine applicant/borrower eligibility, project feasibility, and ensure borrowers operate on a sound basis and use loan funds for authorized purpose.

Description of Respondents: Not-for-profit institutions; State, Local or Tribal Government.

Number of Respondents: 1,211.

Frequency of Responses: Reporting: On occasion; Quarterly; Annually.

Total Burden Hours: 6,482.

Animal and Plant Health Inspection Service

Title: West Indian Fruit Fly.

OMB Control Number: 0579–0170.

Summary of Collection: The United States Department of Agriculture is responsible for preventing plant pests and noxious weeds from entering the United States, preventing the spread of pests and weeds not widely distributed in the United States and eradicating those imported pests and weeds when eradication is feasible. Section 414 of the Plant Protection Act (PPA) (7 U.S.C. 7701–7772) provides that the Secretary of Agriculture may, under certain conditions, hold, seize, quarantine, treat, apply other remedial measures to destroy or otherwise dispose of any plant, plant pest, plant product, article, or means of conveyance that is moving, or has moved into or through the United States or interstate if the Secretary has reason to believe that the article is a plant pest or is infested with a plant pest at the time of move. The Animal and Plant Health Inspection Service (APHIS) published an interim rule to prevent the spread of the West Indian Fruit fly to non-infested areas of the United States. The rule quarantined a part of Cameron County, TX, because of the West Indian Fruit Fly and restricted the interstate movement of regulated articles from the quarantined area.

Need and Use of the Information: APHIS will collect information to certify bulk shipments of regulated articles. If the information were not collected APHIS would be unable to provide for the interstate movement of certain articles from the quarantined area.

Description of Respondents: Business or other for-profit.

Number of Respondents: 37.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 37.

Grain Inspection, Packers & Stockyards Administration

Title: ''Clear Title'' Regulations to Implement Section 1324 of the Food Security Act of 1985.

OMB Control Number: 0580–0016.

Summary of Collection: The Food Security Act of 1985 permits the state to establish ''central filing systems'' for the purpose of pre-notifying buyers, commission merchants, and selling agents of security interests against ''farm products''. These central filing systems notify buyers of farm products or any mortgages or liens on the products. There are 19 states that currently have certified central filing systems.

Need and Use of the Information: A state submits information one time to Grain Inspection, Packers and Stockyards Administration (GIPSA) when applying for certification. GIPSA reviews the information submitted by the states to certify that those central filing systems meet the criteria set forth in section 1324 of the Food Security Act of 1985.

Description of Respondents: Business or other for-profit.

Number of Respondents: 1.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 12.

Agricultural Marketing Service

Title: Raisins Produced from Grapes Grown In California.

OMB Control Number: 0581–0196.

Summary of Collection: Market Order No. 989 covering raisins produced from grapes grown in California emanates from enabling legislation (The Agricultural Marketing Agreement Act of 1937). This legislation was designed to permit regulation of certain agricultural commodities for the purpose of providing orderly marketing conditions in interstate commerce and improving returns to producers. The Order authorizes the issuance of grade and condition standards, inspection requirements, and volume regulations through a producer reserve pool. The Order is administered by a 47 member Raisin Administrative Committee, comprised of 35 producers, 10 handlers, one member representing the cooperative bargaining association(s) and one member representing the public administers the order. The new changes in the legislation require handlers to report to the committee information on acquisitions, shipments, and inventories of organic raisins.

Need and Use of the Information: The information collected is used to evaluate whether organic raisins should be subject to the order's volume regulation requirements. Collecting the information less frequently would eliminate data needed to keep the California raisin industry and the Secretary abreast of changes at the state and local levels.

Description of Respondents: Farms.

Number of Respondents: 20.

Frequency of Responses: Reporting: Weekly; Monthly; Annually.

Total Burden Hours: 2,000.

Food Safety and Inspection Service

Title: Marking, Labeling, and Packaging Material.

OMB Control Number: 0583–0092.

Summary of Collection: The Food Safety and Inspection Service (FSIS) has been delegated the authority to exercise the functions of the Secretary as provided in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*). These statutes mandate that FSIS protect the public by ensuring that meat and poultry products are safe, wholesome, unadulterated, and properly labeled and

packaged. To control the manufacture of marking devices bearing official marks, FSIS requires that official meat and poultry establishment and manufacturers of such marking devices complete FSIS form 7234–1, Application for Approval of Labels, Marking or Device.

Need and Use of the Information: FSIS will collect information to ensure that meat and poultry product are accurately labeled. FSIS will also collect the following information: Establishment number, company name and address, name of product, action requested of FSIS, size of label, product formulation, special processing procedures, and a signature on the form.

Description of Respondents: Business or other for-profit.

Number of Respondents: 34,552.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 119,005.

Food and Nutrition Service

Title: Requisition for Food Coupon Books.

OMB Control Number: 0584–0022.

Summary of Collection: The Food Stamp Act of 1977 requires the Secretary of Agriculture and the Food and Nutrition Service (FNS) to prescribe appropriate procedures for the delivery of food coupon books to coupon issuers and for the subsequent controls to be placed over such coupons by coupon issuers in order to ensure adequate accountability. The regulations at 7 CFR 274.7 and 274.8, require State agencies to establish coupon inventory management systems which include proper control and security procedures, procedures for ordering coupon books and shipping books within the State. These procedures also provide an orderly mechanism for States to order new supplies of food coupon books. FNS will collect information using Form FNS–260, Requisition of Food Coupon Books, to determine what States need additional coupon books and the details of their order.

Need and Use of the Information: FNS collects information to determine how many coupon books to order, what denominations and when to order more coupon books in order to provide State agencies with inventories that will be adequate to issue program benefits to households on a monthly basis.

Description of Respondents: State, Local, or Tribal Government.

Number of Respondents: 221.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 663.

Food and Nutrition Service

Title: Food Coupon Deposit Document.

OMB Control Number: 0584–0314.

Summary of Collection: The Food Stamp Program is designed to promote the general welfare and safeguard the health and well being of the Nation's population by raising levels of nutrition among low-income households. Section 2 of the Food Stamp Act of 1977, as amended (7 U.S.C. 2011 *et seq.*) (the Act) states in part, that ''* * * a Food Stamp Program is herein authorized which will permit low-income households to obtain a more nutritious diet through normal channels of trade by increasing food purchasing power for all eligible households who apply for participation.'' Section 10 of the Food Stamp Act requires the U.S. Department of Agriculture to issue regulations that provide for the redemption, through financial institutions, of food coupons accepted by retail food stores from program participants. The Food Coupon Deposit Document (FCDD), which is currently used in the Food Stamp Program by banks and financial institutions to redeem food stamp benefits from authorized retailers and to monitor the authorization of firms for compliance and continued eligibility in the Food Stamp Program.

Need and Use of the Information: The Food and Nutrition Service (FNS) will collect information to track deposits of food coupons. All financial institutions use the FCDD when they deposit food coupons at Federal Reserve Banks. The information to be collected is the name, address, and unique check routing code of each financial institution that deposits food coupons on the face of every FCDD. Without the information there is no way of tracking deposits of food coupons.

Descriptions of Respondents: Business or other for-profit.

Number of Respondents: 10,000.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 1,327.

Food and Nutrition Service

Title: The Integrity Profile.

OMB Control Number: 0584–0401.

Summary of Collection: The Food and Nutrition Service (FNS) administers the Women, Infant, and Children (WIC) Program on behalf of the Secretary of Agriculture. In recent years, the Office of Inspector General (OIG), has performed audits of FNS' vendor management and recommended that FNS (1) develop criteria to identify vendors suspected of abuse (high-risk vendors) and (2) requires State agencies to perform a minimum number of compliance investigations in order to provide sufficient evidence on whether vendors are overcharging the Program or violating other regulatory requirements. Accordingly, FNS requires State agencies to report annually on their vendor monitoring efforts. The data collected from the States serves as a management tool to provide Congress, OIG senior program managers, as well as the general public, assurances that program funds are being spent appropriately and that every reasonable effort is being made to prevent, detect and eliminate fraud, waste and abuse.

Need and Use of the Information: The information collected is analyzed and a report is prepared by FNS annually that (1) assesses State agency progress in eliminating abusive vendors, (2) assesses the level of activity that is being directed in ensuring program integrity, and (3) analyzes trends over a 5-year period. The information is used at the national level in formulating program policy and regulations. At the FNS regional office level, the data is reviewed to identify possible vendor management deficiencies so that technical assistance can be provided to States, as needed. At the State level, the information is used to provide assurances to the Governor's office, and other interested parties, that WIC issues are being addressed.

Description of Respondents: State, Local or Tribal Government.

Number of Respondents: 88.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 1,778.

Food and Nutrition Service

Title: Food Stamp Program: State Agency Options.

OMB Control Number: 0584–0496.

Summary of Collection: The Food Stamp Act of 1977, as amended by the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) establishes a program whereby needy households apply for and receive food stamp benefits. It specifies national eligibility standards but allows State agencies certain options in administering the program. These options relate to establishing a homeless shelter deduction and periodical reviews; updating standard utility allowances to be used in excess shelter cost computation; and establishing a methodology for offsetting costs of producing self-employment income. The Food and Nutrition Service (FNS) will collect information from state agencies on the methods used to calculate these deductions and allowances.

Need and Use of the Information: FNS will collect information from State agencies on how the various Food Stamp Program implementation options will be determined. The information collected will be used by FNS to establish quality control reviews, standards and self-employment costs.

Description of Respondents: State, Local or Tribal Government.

Number of Respondents: 53.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 256.

Food and Nutrition Service

Title: Food Stamp Program: Grants to Improve Food Stamp Program Access.

OMB Control Number: 0584–0506.

Summary of Collection: In January 2001, the Food and Nutrition Service (FNS) awarded grants of up to 300,000 to 14 non-food stamp governmental authorities, nonprofit local organizations, institutions of higher learning, foundations and other non-profit organizations. To receive a grant, each interested competitor had to provide a proposal to USDA on the projects to be undertaken. Each proposal was competitively ranked and the top ranked proposals were awarded grants. USDA is seeking information from the grantees on the outcome of the projects funded, such as a description of the projects, funding levels, staffing successes, failures, and lesson learned from the projects.

Need and Use of the Information: FNS will collect information in three phases: the application process; ongoing quarterly reports; and a final report. FNS will use the information from the grantees on the outcome of the projects funded to consolidate a report of success stories, and lessons learned from the projects. The information will be used to inform FNS about useful strategies that promote access and are successful in increasing participants of eligible persons in the Food Stamp Program.

Description of Respondents: State, Local or Tribal Government.

Number of Respondents: 250.

Frequency of Responses: Reporting: Quarterly; Annually.

Total Burden Hours: 21,008.

Forest Service

Title: Health Screen Questionnaire.

OMB Control Number: 0596–NEW.

Summary of Collection: The Protection Act of 1922 (16 U.S.C. 594) authorizes the Forest Service to fight fires on National Forest System lands. Individuals must complete the Health Screening Questionnaire (HSQ) when seeking employment as a new firefighter with the Forest Service or recertification as a Forest Service firefighter. Potential applicants are to complete forms FS–5100–30 and FS–5100–31, which are necessary to obtain their health screening information.

Need and Use of the Information: FS will collect information to determine whether an individual being considered for a position in Wildland Firefighting can carry out those duties in a manner that will not place the candidate unduly at risk due to inadequate physical fitness and health. If the information is not collected, the Government's liability risk is high, special needs of one individual may not be known, or the screening of an applicant's physical suitability would be greatly inhibited.

Description of Respondents: Individuals or households; Federal Government.

Number of Respondents: 15,000.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 1,250.

Agricultural Marketing Service

Title: Customer Service Survey for USDA—Donated Food Products.

OMB Control Number: 0581–0182.

Summary of Collection: Each year the Agricultural Marketing Service (AMS) procures about $700 million dollars of poultry, livestock, fruit, and vegetable products for the school lunch and other domestic feeding programs under authority of 7 CFR 250, Regulations for the Donation of Food for Use in the United States, its Territories and possessions and areas under its jurisdiction. To maintain and improve the quality of these products, AMS has sought to make this process more customer-driven and therefore is seeking opinions from the users of these products. AMS will use AMS–11, ''Customer Opinion Postcard,'' to collect information. Customers that use USDA-procured commodities to prepare and serve meals, retrieve these cards from the boxes and use them to rate their perception of product flavor, texture, and appearance as well as overall satisfaction.

Need and Use of the Information: AMS will collect information on the product type, production lot, and identify the location and type of facility, which the product was served. USDA program managers will use survey responses to maintain and improve product quality through the revision of USDA commodity specifications and follow-up action with producers of designated production lots.

Description of Respondents: State, Local or Tribal Government; Not-for-profit institutions.

Number of Respondents: 8,400.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 700.

Animal and Plant Health Inspection Service

Title: West Nile Virus Surveillance Project.

OMB Control Number: 0579–0162.

Summary of Collection: The mission of the Animal and Plant Health Inspection Service (APHIS), Veterinary Services is to protect and improve the health, quality and marketability of the Nation's livestock by preventing, controlling, and monitoring animal disease. Veterinary Services' Emergency Programs is charged with coordinating USDA's role and responsibilities in planning for and responding to emerging or exotic animal diseases. West Nile Virus (WNV) is a type of virus that can cause encephalitis, or inflammation of the brain. WNV was first identified in a limited area of the northeastern United States in wild birds, mosquitoes, humans, and horses in 1999. The scientific literature about WNV indicates that transmission is primarily through a mosquito-bird cycle, with occasional incursions into other vertebrates as terminal host only.

Need and Use of the Information: APHIS will collect data and blood samples to determine equine or premises risk factors for WNV infection. The information will be use to protect human health, livestock producers and veterinarians will use the information to protect their herds and flocks from infection and subsequent production losses.

Description of Respondents: Individuals or households; Farms; Business or other for-profit.

Number of Respondents: 420.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 945.

Sondra A. Blakey,

Departmental Information Clearance Officer.

[FR Doc. 01–22626 Filed 9–7–01; 8:45 am]

BILLING CODE 3410–01–M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Privacy Act of 1974; Revision of Systems of Records and Proposed New Routine Uses

AGENCY: Office of the Secretary, USDA.

ACTION: Notice of revision of privacy act systems of records and proposed new routine uses.

SUMMARY: Notice is hereby given that the United States Department of Agriculture is proposing to change the (USDA) Privacy Act Systems of Records maintained by the Farm Service Agency (FSA) as follows: A new routine use would be added to two Privacy Act systems of records maintained by FSA.

EFFECTIVE DATE: The proposed routine uses will become effective November 9, 2001 unless modified by a subsequent notice to incorporate public comments. Comments must be received by October 10, 2001 to be assured consideration.

ADDRESSES: Interested persons may submit written comments to Diane Flores Korwin, Freedom of Information and Privacy Act (FOIA/PA) Specialist, Public Affairs Staff, Farm Service Agency, U.S. Department of Agriculture, Public Affairs, STOP 0506, 1400 Independence Avenue, SW., Washington, DC 20250–0506; telephone 202–720–5534. The public may inspect comments received on this notice Monday–Friday, except holidays, between 8:15 a.m. and 4:45 p.m. in Room 3625 at the address listed above.

FOR FURTHER INFORMATION CONTACT: Diane Flores Korwin, telephone 202–720–5534.

SUPPLEMENTARY INFORMATION: This notice concerns two of the Privacy Act systems of records maintained by FSA; USDA/FSA–2, ''Farm Records File'' and USDA/FSA–14, ''Applicant/Borrower File.'' The proposed revisions would provide disclosure of certain records in these files to State-certified or State-licensed appraisers, and to employees of other Federal agencies who are qualified to conduct real estate appraisals.

Disclosure of this information to State-certified or State-licensed appraisers, and to employees of other Federal agencies who are qualified to conduct real estate appraisals is a use of the information compatible with the specific administrative purposes for which the information was collected. Limited disclosure is clearly within FSA's mandate to promote a viable agricultural economy, and is essential for effective implementation of appraisal standards established under of the Financial Institutions Reform Recovery and Enforcement Act (FIRREA) of 1989, 12, U.S.C. ch. 34A. Release of this producer and farm information relates to effective analyses of comparable properties and determinations of capitalization rates in connection with appraisers' valuations of properties using the comparable sales and income approaches.

Appraisers' ethical and other standards and general practices promulgated pursuant to the FIRREA provide safeguards against further dissemination of the information provided to persons outside USDA. Appraisals are confidential and may not be released to other parties without the approval of the appraiser and the client. Appraisal reports identify properties, but do not identify the owner by name, and those appraisers who violate the ethical standards are subject to discipline by State certification boards.

The FSA also publishes information regarding acreage allotments and marketing quotas for farms raising tobacco and peanuts as required by law. However, information concerning the acreage, yield, storage, and marketing by farmers engaged in production of tobacco and peanuts will only be released in a manner that does not identify the information furnished by individual producers. 7 U.S.C. 1373 prohibits release of this information in a form identifiable to an individual producer.

Pursuant to the Privacy Act, 5 U.S.C. 552a, USDA hereby takes the following action:

(1) USDA/FSA–2, ''Farm Records File''

This system is being amended to add a routine use allowing the limited disclosure of Producer and Farm Information to State-certified or State-licensed appraisers and employees of Federal agencies other than USDA who are qualified to conduct real estate appraisals.

The specific information to be disclosed to the appraiser is:

— Production Flexibility Contract Acres
— Payment yields
— Agricultural use acres and cropland acres
— Copies of aerial photography
— Conservation Reserve Program (CRP) acres
— Highly erodible land (HEL) delineations
— Wetland classifications

Notwithstanding the foregoing, USDA will not release to appraisers information indicating the acreage, yield, storage and marketing of peanuts or tobacco if that information was requested by USDA and is necessary for the administration of Title III of the Agricultural Adjustment Act of 1938, 7 U.S.C. § 1361 *et seq.*, unless the information to be released is in an aggregate form that does not identify the information furnished by any person. FSA will continue to make available for public inspection information regarding acreage allotments and farm marketing quotas established for farms as required by law.

(2) USDA/FSA–14, ''Applicant/Borrower File''

This system is being amended to add a routine use allowing the limited disclosure of Producer and Farm Information to state-certified or state-licensed appraisers and employees of Federal agencies other than USDA who are qualified to conduct real estate appraisals.

The specific information to be disclosed to the appraiser is:

—Production Flexibility Contract Acres
—Payment yields
—Agricultural use acres and cropland acres
—Copies of aerial photography
—Conservation Reserve Program (CRP) acres
—Highly erodible land (HEL) delineations
—Wetland classifications

Notwithstanding the foregoing, USDA will not release to appraisers information indicating the acreage, yield, storage and marketing of peanuts or tobacco if that information was requested by USDA and is necessary for the administration of Title III of the Agricultural Adjustment Act of 1938, 7 U.S.C. 1361 *et seq.*, unless the information to be released is in an aggregate form that does not identify the information furnished by any person. FSA will continue to make available for public inspection, information regarding acreage allotments and farm marketing quotas established for farms, as required by law.

Signed at Washington, DC, on August 31. 2001.

Ann M. Veneman,

Secretary.

USDA/FSA–2.

SYSTEM NAME:

Farm Records File (Automated), USDA/FSA–2.

SYSTEM LOCATION:

This system of records is under the control of the Deputy Administrator for Program Delivery and Field Operations, FSA, USDA, Stop 0539, PO Box 2415, Washington, DC 20013. The data will be maintained at the county FSA office which services the particular farm, the State FSA Office of the State where the particular county FSA office is located, the Kansas City Management Office, 8930 Ward Parkway, PO Box 419205, Kansas City, Missouri 64141–0205; the Kansas City Commodity Office, PO Box 419205, 9200 Ward Parkway, Kansas City, Missouri 64141–0205, and the FSA National Office. The address of each county and State FSA office can be

found in the local telephone directory under the heading ''United States Government, Department of Agriculture, Farm Service Agency.''

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Farm owners, operators, and other producers.

CATEGORIES OF RECORDS IN THE SYSTEM:

The information in the system consists of documentation of participation in the active programs as well as discontinued programs. This includes names and addresses of producers and is not necessarily limited to farm allotments, quotas, bases, and history; compliance data; production and marketing data; lease and transfer of allotments and quotas; appeals; new grower applications; conservation program documents; program participation and payment documents; appraisals, leases, and data for farm reconstitution; and, for payment limitation purposes, financial statements, and other applicable farm information as well such documents as tax statements, wills, trusts, partnership agreements, and corporate charters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

7 U.S.C. 135b, 450j, 450k, 405l, 1281–1393, 1421–1449, 1461–1469, 1471–1471i, 1781–1787; 15 U.S.C. 714–714p; 16 U.S.C. 590a–590q, 1301–1311, 1501–1510, 1606, 2101–2111, 2201–2205, 3501, 3801–3847, 4601, 5822; 26 U.S.C. 6109; 40 U.S.C. App. 1, 2, 203; 43 U.S.C. 1592; and 48 U.S.C. 1469.

PURPOSE(S):

To facilitate the Congressional mandate that FSA and CCC operate farm programs that control the price and supply of certain agricultural commodities, that protect the environment and that enhance the marketing and distribution of certain agricultural commodities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records contained in this system may be disclosed:

(1) To a cooperative marketing association approved to carry out CCC rice support loan and marketing programs, but only that data regarding member and related individual participation in such programs;

(2) To the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any records within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto;

(3) To a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery to the extent that records sought are relevant to the subject of the proceeding;

(4) To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual;

(5) To the Internal Revenue Service to establish the tax liability of individuals as required by the Internal Revenue Code;

(6) To State or local tax authorities having an agreement with CCC to withhold taxes or fees from loan proceeds;

(7) To the Bureau of Reclamation (BOR), but only that data necessary for the BOR to administer the Reclamation Act of 1982 as amended;

(8) To boards or other entities authorized by state statute to collect commodity assessments;

(9) To the Food Safety and Inspection Service;

(10) To the Peanut Board with respect to producers of peanuts and their participation in the peanut price support, production control and quota programs;

(11) To the Bureau of Indian Affairs the name and address of producers to assist in the distribution of funds to Native American Indians;

(12) To candidates for FSA county and/or community committee positions the names and addresses of producers in the county for the purpose of county committee elections;

(13) To tobacco analysis laboratories the producers' names and addresses as well as crop-specific data regarding tobacco being analyzed prior to the marketing of such tobacco;

(14) To the public who may inspect farm allotment and quota data for marketing quota crops as required by the Agricultural Act of 1938, as amended;

(15) To State Foresters the names and addresses of producers and crop-specific data regarding their operations with respect to forestry conservation practices;

(16) To cotton buyers the names of cotton producers;

(17) To cotton ginners the names, addresses and cotton acreages;

(18) To members of Congress the names and addresses of producers; and

(19) To the public when they need to obtain the names and addresses of producers who have loans with FSA or CCC to prevent such individual from purchasing commodity that has been placed under a CCC loan.

(20) To State or local taxing authorities or their contracted appraisal companies the name of and address of producers for tax appraisal purposes; and

(21) To State-certified or State-licensed appraisers and employees of Federal agencies other than USDA qualified to perform real estate appraisals.

The specific information to be disclosed to the appraiser is:

— Production Flexibility Contract Acres

— Payment yields

— Agricultural use acres and cropland acres

— Copies of aerial photography

— Conservation Reserve Program (CRP) acres

— Highly erodible land (HEL) delineations

— Wetland classifications

Notwithstanding the foregoing, USDA will not release to appraisers information indicating the acreage, yield, storage and marketing of peanuts or tobacco if that information was requested by USDA and is necessary for the administration of Title III of the Agricultural Adjustment Act of 1938, 7 U.S.C. 1361 *et seq.*, unless the information to be released is in an aggregate form that does not identify the information furnished by any person. FSA will continue to make available for public inspection, information regarding acreage allotments and farm marketing quotas established for farms, as required by law.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders and Department computer systems at applicable locations as set out above under the heading ''System Location'.

RETRIEVABILITY:

Records may be indexed by individual name, farm number, tax identification number, Social Security Number, or loan number.

SAFEGUARDS:

Records are kept in locked Government office buildings. Access to

these records is limited to authorized FSA personnel and representatives. Records stored in computer files are protected by passwords and other electronic security systems. Additionally, any negotiable documents, such as warehouse receipts, are kept in a fireproof cabinet.

RETENTION AND DISPOSAL:

Program documents are destroyed within 6 years after end of participation, except for conservation program documents, which are retained for periods sufficient to insure compliance equal to the life of the practice. Other documents, such as powers of attorney or leases, are destroyed after such document is no longer valid. Original loan notes are returned to producers after liquidation of loan.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Administrator for Program Delivery and Field Operations, FSA, USDA, Stop 0539, PO Box 2415, Washington, DC 20013.

NOTIFICATION PROCEDURE:

An individual may request information regarding this system of records, or information as to whether the system contains records pertaining to the individual from the System Manager listed above.

RECORD ACCESS PROCEDURES:

An individual may obtain information about a record in the system which pertains to such individual by submitting a written request to the above listed System Manager. The envelope and letter should be marked ''Privacy Act Request.'' A request for information pertaining to an individual should contain: name, address, ZIP code, name of system of record, year of records in question, and any other pertinent information to help identify the file.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the above listed System Manager, and should include the reason for contesting it and the proposed amendment to the information with supporting information to show how the record is inaccurate. A request for contesting records pertaining to an individual should contain: name, address, ZIP code, name of system of record, year of records in question, and any other pertinent information to help identify the file.

RECORD SOURCE CATEGORIES:

Information in this system is submitted by county and State Committees and their representatives, the Office of Inspector General and other investigatory agencies, the Office of the General Counsel, the Kansas City Commodity Office, the Kansas City Management Office, the Natural Resources and Conservation Service and by third parties and by the individual who is the subject of the file.

USDA/FSA–14

SYSTEM NAME:

Applicant/Borrower, USDA/FSA–14.

SYSTEM LOCATION:

Each Farm Service Agency (FSA) applicant's/borrower's records are located in the Agricultural Credit Team Office, County, District, or State Office through which the financial assistance is sought or was obtained, and electronic account records are in the Finance Office in St. Louis, Missouri. A State Office version of the Team Office, County or District office file may be located in or accessible by the State Office which is responsible for that Agricultural Credit Team, County or District Office. Correspondence regarding borrowers is located in the Agricultural Credit Team, County, District, State and National Office files. The addresses of Agricultural Credit Team, County, District and State Offices are listed in the telephone directory of the appropriate city or town under the heading ''United States Government, Department of Agriculture, Farm Service Agency.'' The Finance Office is located at 1520 Market Street, St. Louis, Missouri 63103.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former FSA applicants/borrowers and their respective household members including members of associations.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system includes files containing characteristics of applicants/borrowers and their respective household members, such as gross and net income, sources of income, capital, assets and liabilities, net worth, age, race, number of dependents, marital status, reference material, farm or ranch operating plans, and property appraisals.

The system also includes credit reports and personal references from credit agencies, lenders, businesses, and individuals. In addition, a running record of observation concerning the operations of the person being financed is included. A record of deposits to and withdrawals from an individual's supervised bank account is also contained in those files where appropriate. In some Agricultural Credit Team and County Offices, this record is maintained in a separate folder containing only information relating to activity within supervised bank accounts. Some items or information are extracted from the individual's file and placed in a card file for quick reference.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

7 U.S.C. 1921 *et. seq.,* 42 U.S.C. 1471 *et. seq.,* and 42 U.S.C. 2706.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records contained in this system may be disclosed:

(1) To the appropriate agency, whether Federal, State, local, tribal, foreign, or other public authority foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute or a rule, regulation or order issued pursuant thereto, or of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto, if the information disclosed is relevant to any enforcement, regulatory, investigative, or prosecutive responsibility of the receiving agency;

(2) To business firms in a trade area that buy chattel or crops or sell them for commission. The disclosure may include the name, home address, social security numbers and financial information. This is being done so that FSA may benefit from the purchaser notification provisions of section 1324 of the Food Security Act of 1985 (7 U.S.C. 163(e)). The Act requires that potential purchasers of farm commodities must be advised ahead of time that a lien exists in order for the creditor to perfect its lien against such purchases;

(3) To the appropriate authority when a default involves a security interest in tribal allotted or trust land. The disclosure may include the name, home address, and information concerning default on loan repayment. Pursuant to the Cranston-Gonzales National Affordable Housing Act of 1990 (42 U.S.C. 12701 et. seq.), liquidation may be pursued only after offering to transfer the account to an eligible tribal member, the tribe, or the Indian housing authority serving the tribe(s);

(4) To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the written request of that individual;

(5) To a collection or servicing contractor, financial institution, or a local, State, or Federal agency, when FSA determines such referral is appropriate for servicing or collecting the borrower's account or as provided in contracts with servicing or collection agencies. The disclosure may include name, home address, social security number, and financial information;

(6) In a proceeding before a court or adjudicative body, when: (a) The agency or any component thereof; or (b) any employee of the agency in his or her official capacity; or (c) any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or (d) the United States is a party to litigation or has an interest in such litigation and, by careful review, the agency determines that the records are both relevant and necessary to the litigation, provided, however, that in each case, the agency determines that disclosure of the records is a use of the information contained in the records that is compatible with the purpose for which the agency collected the records;

(7) To financial consultants, advisors, lending institutions, packagers, agents, and private or commercial credit sources when FSA determines such referral is appropriate to encourage the borrowers to refinance their FSA indebtedness as required by Title V of the Housing Act of 1949, as amended (42 U.S.C. 1471). The disclosure may include name, home address, and financial information for selected borrowers;

(8) To the Department of the Treasury, Internal Revenue Service (IRS), any legally enforceable debt(s), to be offset against any tax refund that may become due the debtor for the tax year in which the referral is made, in accordance with the IRS regulations at 26 CFR 301.6402–6T, Offset of Past Due Legally Enforceable Debt Against Overpayment, and under the authority contained in 31 U.S.C. 3720A;

(9) To the Defense Manpower Data Center, Department of Defense, and the United States Postal Service any information regarding indebtedness, for the purpose of conducting computer matching programs to identify and locate individuals receiving Federal salary or benefit payments and who are delinquent in their repayment of debts owed to the U.S. Government under certain programs administered by the FSA in order to collect debts under the provisions of the Debt Collection Act of 1982 (Pub. L. 97–365) by voluntary repayment, administrative or salary offset procedures, or by collection agencies;

(10) To lending institutions any financial information when FSA determines the individual may be financially capable of qualifying for credit with or without a guarantee. The referral may contain name, home address, and financial information;

(11) To lending institutions that have a lien against the same property as FSA, for the purpose of the collection of the debt. These loans can be under the direct or guaranteed loan programs. Disclosure may include names, home addresses, social security numbers, and financial information;

(12) To private attorneys under contract with either FSA or with the Department of Justice for the purpose of foreclosure and possession actions and collection of past due accounts in connection with FSA loans;

(13) To the Department of Justice when: (a) The agency or any component thereof; or (b) any employee of the agency in his or her official capacity where the Department of Justice has agreed to represent the employee; or (c) the United States Government is a party to litigation or has an interest in such litigation, and by careful review, the agency determines that the records are both relevant and necessary to the litigation and the use of such records by the Department of Justice is therefore deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records;

(14) To the Department of Housing and Urban Development (HUD) as a record of location utilized by Federal agencies for an automatic credit prescreening system. The disclosure may include names, home addresses, social security numbers, and financial information;

(15) To the Department of Labor, State Wage Information Collection agencies, and other Federal, State, and local agencies, as well as those responsible for verifying information furnished to qualify for Federal benefits, to conduct wage and benefit matching through manual and/or automated means, for the purpose of determining compliance with Federal regulations and appropriate servicing actions against those not entitled to program benefits, including possible recovery of improper benefits. This may include names, home addresses, social security numbers, and financial information; and

(16) To financial consultants, advisors, or underwriters, when FSA determines such referral is appropriate for developing packaging and marketing strategies involving the sale of FSA loan assets. The referral may include names, home addresses, and financial information; and

(17) To state-certified or state-licensed appraisers and employees of Federal agencies other than USDA qualified to perform real estate appraisals.

The specific information to be disclosed to the appraiser is:

—Production Flexibility Contract Acres

—Payment yields

—Agricultural use acres and cropland acres

—Copies of aerial photography

—Conservation Reserve Program (CRP) acres

—Highly erodible land (HEL) delineations

—Wetland classifications

Notwithstanding the foregoing, USDA will not release to appraisers information indicating the acreage, yield, storage and marketing of peanuts or tobacco if that information was requested by USDA and is necessary for the administration of title III of the Agricultural Adjustment Act of 1938, 7 U.S.C. 1361 *et seq.*, unless the information to be released is in an aggregate form that does not identify the information furnished by any person. FSA will continue to make available for public inspection information regarding acreage allotments and farm marketing quotas established for farms as required by law.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12): Disclosure may be made from this system to ''consumer reporting agencies'' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained electronically and in file folders at the Agricultural Credit Team, County, District, State, and National offices. A limited subset of personal, financial and characteristics data required for effective management of the programs and borrower repayment status is maintained on disk or magnetic tape at the Finance Office. This subset of data may be accessed by the authorized personnel from each office.

RETRIEVABILITY:

Records are indexed by name, identification number and type of loan. Data may be retrieved from paper records or the magnetic tapes. A limited subset is available through telecommunications capability, ranging from telephones to intelligent terminals. All FSA Agricultural Credit Team, State, National and some county offices have the telecommunications capability available to access this subset of data.

SAFEGUARDS:

Records are kept in locked offices at the Agricultural Credit Team, County, District, State and National Offices. A limited subset of data is also maintained in a tape and disk library and an on-line retrieval system at the Finance Office. Access is restricted to authorized FSA personnel. A system operator and terminal passwords and code numbers are used to restrict access to the online system. Passwords and code numbers are changed as necessary.

RETENTION AND DISPOSAL:

Records are maintained subject to the Federal Records Disposal Act of 1943 (44 U.S.C. 366–380) and in accordance with FSA's disposal schedules. The Agricultural Credit Team, District, County, State and National office dispose of records by shredding, burning, or other suitable disposal methods after established retention periods have been fulfilled. Finance Office records are disposed of by overprinting. (Destruction methods may never compromise the confidentiality of information contained in the records). Applications, including credit reports and personal references which are rejected, withdrawn, or otherwise terminated, are kept in the Agricultural Credit, County, District, or State office for 2 full fiscal years and 1 month after the end of the fiscal year in which the application was rejected, withdrawn, canceled, or expired. If final action was taken on the application, including an appeal, investigation, or litigation, the application is kept for 1 full fiscal year after the end of the fiscal year in which final action was taken. The records, including credit reports, of borrowers who have paid or otherwise satisfied their obligations are retained at the Agricultural Credit Team, County, District, or State Office for 1 full fiscal year after the fiscal year in which the loan was paid in full. Correspondence records at the National Office which concern borrowers and applicants are retained for 3 full fiscal years after the last year in which there was correspondence.

SYSTEM MANAGER(S) AND ADDRESS:

The Agricultural Credit Manager at the Agricultural Credit Team Office or at the County Office, District Director at the District Office, and the State Executive Director at the State Office, the Assistant Administrator of the Finance Office for Finance Office in St. Louis, MO, and the FSA Administrator for the National Office at the following address: USDA/FSA Administrator, Stop 0501, PO 2415, Washington, DC 20250–2415.

NOTIFICATION PROCEDURE:

Any individual may request information regarding this system of records, or determine whether the system contains records pertaining to themselves from the appropriate Systems Manager. If specific location of the record is not known, the individual should address their request to: Administrator, FSA, Attention: Freedom of Information Officer, Stop 0506, PO Box 2415, Washington, DC 20013–2415. A request for information should include: name, address, State and county where the loan was applied for or approved, and particulars involved (i.e. date of request/approval, type of loan, etc.).

RECORD ACCESS PROCEDURES:

Any individual may obtain information as to the procedures for gaining access to a record in this system which pertains to themselves by submitting a written request to one of the Systems Managers. The envelope and letter should be marked ''Privacy Act Request.'' A request for information should contain: name, address, ZIP code, name of the system of records in question, and any other pertinent information to help identify the file.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the above listed System Manager, and should include the reason for contesting it and the proposed amendment to the information with supporting information to show how the record is inaccurate. A request for contesting records should contain: name, address, ZIP code, name of the system of records in question, and any other pertinent information to help identify the file.

RECORD SOURCE CATEGORIES:

Information in this system comes primarily from the borrower. Credit reports and personal references come primarily from credit agencies and creditors.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 01–22579 Filed 9–7–01; 8:45 am]
BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Farm Service Agency

Request for Extension of a Currently Approved Information Collection

AGENCY: Farm Service Agency, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intent of the Farm Service Agency (FSA) to request an extension of a currently approved information collection for a form used in support of the FSA Farm Loan Programs (FLP). This renewal does not involve any revisions to the program rules.

DATES: Comments on this notice must be received on or before November 9, 2001, to be assured consideration.

FOR FURTHER INFORMATION CONTACT: Michael Cumpton, USDA, Farm Service Agency, Loan Servicing and Property Management Division, 1400 Independence Avenue, SW, STOP 0523, Washington, DC 20250–0523; Telephone (202) 690–4014; Electronic mail: mike_cumpton@wdc.usda.gov.

SUPPLEMENTARY INFORMATION:

Title: Form FSA 1962–1, Agreement for the Use of Proceeds/Release of Chattel Security.

OMB Control Number: 0560–0171.

Expiration Date of Approval: September 30, 2001.

Type of Request: Extension of a Currently Approved Information Collection.

Abstract: This form is needed to implement section 335(f) of the Consolidated Farm and Rural Development Act (7 U.S.C 1985(f)), which requires release of normal income security to pay essential household and farm operating expenses of the borrower, until the Agency accelerates the loan.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 20 minutes per response.

Respondents: Individuals or households, businesses or other for profit and farms.

Estimated Number of Respondents: 55,000.

Estimated Number or Responses Per Respondent: 1.

Estimated Total Annual Burden On Respondents: 18,150.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. These comments should be sent to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 and to Michael Cumpton, Senior Loan Officer, USDA, FSA, Farm Loan Programs, Loan Servicing Division, 1400 Independence Avenue, SW, STOP 0523, Washington, DC 20250–0523.

Comments will be summarized and included in the request for OMB approval of the information collection. All comments will also become a matter of public record.

Signed in Washington, DC, on August 31, 2001.

James R. Little,

Acting Administrator, Farm Service Agency.

[FR Doc. 01–22580 Filed 9–7–01; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Forest Service

[Docket No. 0413–MGGL16C]

Idaho Cobalt Project Plan of Operations, Salmon-Challis National Forest, Lemhi County, ID

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare environmental impact statement.

SUMMARY: The USDA, Forest Service, will prepare an Environmental Impact Statement (EIS) for the proposed Idaho Cobalt Project Mine. The Salmon-Challis National Forest Supervisor has determined that preparation of the EIS is required for approval of the Idaho Cobalt Project Plan of Operations (Plan), under FS regulations governing locatable mineral activities on National Forest System Lands (36 CFR 228A) and CEQ regulations implementing the National Environmental Policy Act (40 CFR 1501–1508). The EIS will disclose the environmental effects of the Plan submitted by Formation Capital Corporation U.S. (Formation) for an underground cobalt-copper-gold mine on the Salmon/Cobalt District of the Salmon-Challis National Forest in Lemhi County, Idaho.

The proposed Idaho Cobalt Project is located in an area of the Salmon-Challis National Forest open to mineral location and development. The Forest Service is guided by law and policy, which recognizes Formation's legal right to explore for, and develop mineral resources. At the same time, the Forest Service is charged to ensure that these activities are conducted in an environmentally sound manner, and that once completed, reclamation of the land to a stable and useable condition is accomplished.

The Idaho Cobalt is approximately 45 road miles west from Salmon, Idaho or 22 direct miles. The initial Plan submitted by Formation describes the proposed Idaho Cobalt Project, including production adits and declines, waste rock disposal areas, processing plant, tailings disposal methods, haul roads, and ancillary support facilities on National Forest System Lands. Two separate underground mining operations would be developed and used to extract ore from two deposits, the Ram and Sunshine. Three portals are being proposed along the slopes above Bucktail Creek. A mill would be situated on a plateau located east of the portals. Tailings disposal is proposed to utilize a dry stacking method in an area located east and down slope of the mill. Process waters would be managed and are proposed to be recycled in a closed system, using a water management reservoirs located east and down slope of the tailings disposal site. The proposed nominal ore production rate for mining has been established at 800 tons per day (tpd) or 280,000 tons per year (tpy). The initial start-up rate is proposed to be 600 tpd or 210,000 tpy, with full production in the third year. Current reserves and resources identified by Formation would allow for a 9-year mine life. The project would have a surface disturbance estimated at 191 acres.

The proposed Idaho Cobalt Project is located adjacent to the Blackbird Mine in the historic Blackbird Mining District. Extensive negotiations have occurred and are still ongoing between the existing and previous owners of the Blackbird property and state and federal agencies regarding environmental damage arising from the previous mining operations in the area. The problems created by past mining include degradation of waters draining from mine portals, waste dumps and the tailings impoundment area, as well as spilled tailings along Blackbird Creek. Actions taken by federal and state agencies under Superfund authority have included a Natural Resource Damage Assessment which was settled by Consent Decree, and an Administrative Order on Consent (AOC) for the performance of early removal action and a Remedial Investigation/Feasibility Study (RI/FS) for site cleanup which is still ongoing.

The area that may potentially be affected by the proposed Idaho Cobalt Project mining and mill operation drains to Big Deer Creek, and Panther Creek. Ninety-nine percent of the Panther Creek basin is National Forest; less than one percent is privately owned. Panther Creek flows into the Salmon River, a principal sub-basin of the Snake River. Preliminary environmental issues identified for the immediate project area are described below. Potential Project impacts outside this area include the transportation corridor (Salmon, Idaho to the project site); impact to the socio-economic areas of Lemhi and Custer Counties with the respective county seats of Salmon and Challis, Idaho; and line of sight visual impacts from Gant Ridge trails.

The EIS will tier to the Salmon National Forest Land and Resource Management Plan (Forest Plan) and Final EIS, January 1988, which provide overall guidance of all land management activities on the Salmon National Forest, including mineral exploration and development. This document also tiers to the 1982 Final Environmental Impact Statement for the Blackbird Cobalt-Copper Project.

DATES: Written comments and suggestions must be submitted on or before October 31st, 2001.

ADDRESSES AND FURTHER INFORMATION: Submit written comments and suggestions on the proposed activities to Ray Henderson, Project Coordinator, Salmon-Challis National Forest, 50 Hwy 93 South, Salmon, Idaho, 83467, Phone (208) 756–5100. To be placed on the project mailing list or for additional information, contact the Project Coordinator identified above.

SUPPLEMENTARY INFORMATION: Formation Capital Corporation U.S. (Formation) submitted a Plan of Operations for the proposed Idaho Cobalt Project to the Salmon-Challis National Forest in January 2001. The plan, as proposed and subsequently modified by Formation, is summarized as follows:

The proposed Idaho Cobalt Project would consist of developing an 800-ton per day mine and mill complex. The project would involve mining cobalt-copper-gold reserves with an annual production rate of 280,000 tons of ore at full production. Current reserves and resources would allow for a 9-year mine life. The ore would be mined from two deposits, the Ram and the Sunshine and conveyed to a mill situation on a plateau (The Big Flat). Underground mining methods are proposed, and a flotation mill would be used to process ore from the mine. At full production the mill would produce approximately 32 tons of concentrate and 768 tons of tailings per day. The concentrate would be shipped to an off-site hydrometallurgical facility.

Ram and Sunshine ore would be hauled directly to the mill with 30-ton trucks, where the ore would be stockpiled. The approximate haul distance to the proposed site of the mill from the Ram portal is 2.8 miles and 1.5 miles from the Sunshine portal. Another proposal being considered for the Ram ore is an overhead tram from the 7070 Ram portal to the mill. A conceptual design for the tram includes a 70 cubic foot tramcar traveling on track cables and driven by a haul cable. Two pivoted intermediate towers, approximately 35 feed high, would support the track cables. The tramcar would be loaded from a hopper at the Ram portal, and the car would discharge into a hopper at the mill crusher. A third option for delivering the Ram ore to the mill is to develop a shaft in the second year. The shaft would be located near the mill, connecting to an adit joining the Ram underground workings.

The proposed tailings disposal facility and the water management reservoir are also located on the Big Flat, east of the mill. Disposal of tailings in this area via a dry stacking method was proposed by Formation to take advantage of relatively flat topography, avoidance of wetlands, suitable foundation soils, elimination of the need for a tailings dam, and distance from active drainages and streams. Approximately 60 percent of the tailings would be required underground as backfill. Process waters would be managed and recycled in a closed system, using lined water management reservoirs located east and down slope of the tailings disposal site to reduce water requirements as well as eliminate the need for a water discharge. An additional modification includes the identification of 80 acres for Land Application of excess waters in the latter stages of mine life. The project would disturb 191 acres of National Forest Land.

Power for the project would be secured from an existing power line delivering power to the Blackbird Mine. Emergency power would be supplied with diesel generating equipment located at the main portals and at the mill. This equipment would be sufficient only for essential mill equipment and mine pumps.

It is anticipated that most of the project employees would live in the Salmon area. Employees would be transported to the project site by buses or vans assigned to personnel. The proposed transportation route for the employees is via the Williams Creek Summit, along the Williams Creek road, the Deep Creek road, the Panther Creek road and the Blackbird Creek road. The transportation route for the concentrates is also expected to be via Williams Creek Summit. Equipment, reagents and other freight would also be hauled in along this route.

There would be three main phases in the life of the Idaho Cobalt Project: The construction phase, the production phase, and the reclamation phase. There would also be concurrent reclamation in the construction and production phases as existing disturbed areas or new disturbance is reclaimed post-use. The construction phase would include improving 1 mile of existing roads (4 acres), and the preparation and construction of 4.2 miles of new roads (20.5 acres), the portals and waste rock dumps (15.8 acres) tram corridor (4.8), the mill site (3.5 acres), power line and substation (2.4 acres), tailings disposal site (20 acres), and the water management reservoir (13 acres). Soil stockpile areas, stormwater diversion ditches and borrow areas for 30 acres, with 80 acres proposed for Land Application of reservoir waters towards the end of mine life.

The production phase would bring the mill on line at 400-tons per day increasing to 800-tons per day as the underground Ram mine expands. Each of the project components is integral to the whole operation and therefore there would be limited opportunities for concurrent reclamation. However, there would be concurrent reclamation in some areas when active use stops. The reclamation phase would include final shaping of waste rock dumps, sealing mine portals, mill demolition, power line and substation dismantling, tailings disposal area shaping and revegetation, water management reservoir reclamation, and road reclamation.

Cobalt is a strategic and industrial metal with a diverse range of critical and important uses. The largest single use is in super-alloys for air and land-based gas turbine engines. The fastest growing usage is in the battery industry for cell phones, pagers, portable computers and gasoline-electric hybrid power automobiles. Cobalt is used in computer hard disk drives, semiconductors, magnetic data storage and solar collectors. It is a component in the effort to reduce air pollution, as it is a catalyst for removing sulfur from oil to provide for clean burning fuels and has important medical uses as well.

The Salmon Forest Plan provides guidance for management activities within the potentially affected area through its goals, objectives, standards and guidelines, and management area direction. The proposal would occur within Management Area 5B. Management emphasis in this area is on producing long-term timber outputs through a moderate level of investment in regeneration and thinning. It recognizes the potential for high-value locatable mineral occurrence and probable development. It directs that exploration, location, leasing and development of energy and non-energy minerals resources be coordinated with other resources.

Under the United States Mining Laws of May 10, 1872, as amended (30 U.S.C. 22), United States citizens and corporations have the right to search for and develop minerals upon public lands, including National Forest Systems lands, open to mineral entry. Forest Service regulations (36 FR 228, Subpart A) require that the agency work with mineral operators to minimize or eliminate adverse environmental impacts from mineral activities on National Forest System lands.

The FS decision to be made in response to Formation's Plan is described by regulation at 36 CFR 228.5 and includes: (a) Approve the project as proposed, (b) Notify the operator of changes or additions to the plan of operations deemed necessary to meet the purpose of the regulations.

These regulations also direct the FS to comply with the requirements of the National Environmental Policy Act (NEPA) in connection with each Plan of Operation. In this regard, the Salmon-Challis Forest Supervisor has determined that an EIS is required to support a decision on the Idaho Cobalt Project. The EIS will analyze the direct, indirect, and cumulative environmental effects of the proposed Plan of Operation and other reasonable alternatives including mitigation, monitoring and reclamation measures designed to minimize adverse effects.

Public participation is an important part of the analysis process (40 CFR 1501.7). Scoping activities to date have included a May 3, 2001 meeting at the

forest headquarters in Salmon, Idaho, between representatives of the Salmon-Challis National Forest, Formation, and state and federal regulatory agencies in recognition of the Idaho Joint Review Process (JRP).

A public scoping meeting was conducted on July 20th in Salmon, Idaho. Notices of the meeting were placed in the paper of Record for Salmon and Challis, the Recorder Herald and Challis Messenger. Comments from the public and other agencies will be used to prepare the Draft EIS. A public scoping meeting is also scheduled for October 11th in Salmon, Idaho. Meeting times and place will be placed in the papers of Record for the Salmon and Challis, the Recorder Herald and Challis Messenger. The public is encouraged to visit with Forest Service officials at any time during the analysis and prior to the decision.

The scoping process to date has identified the following primary issues:

1. What is the potential for development of acid mine drainage and mobilization of heavy metals from geologic materials exposed by the proposed mining activities.

2. How would proposed mine facilities and activities prevent, control or treat ARD? What are the long-term maintenance requirements of these facilities along with their predicted long-term viability and stability?

3. What is the potential for adverse impacts to water quality downstream of project facilities from the proposed mining activities, including accidental spills of hazardous materials along the transportation route, and how would water quality be maintained and beneficial uses protected?

4. Would special status fish species and their habitat (threatened, endangered, sensitive) or species whose populations or habitat are present be adversely affected by the proposed mining activities?

5. What is the relationship between this project and the current program to remediate the environmental damage at the Blackbird Mine and to re-establish an anadromous fishery in Panther Creek?

6. Would surface water and groundwater quality monitoring be adequate to detect and allow for the correction of any water quality problems resulting from the proposed mining activities?

7. What is the relationship of the aquifer systems between the proposed project and surrounding areas, particularly the Blackbird Mine and receiving streams? What is the existing quality of groundwater in the project area and how would the project affect existing groundwater quality?

8. In recognition of the Clear Creek wildfire of the summer of 2000, what are the potential effects on water quality from accelerated erosion and sedimentation, in consideration of surface disturbance associated with the proposed mining operations?

9. Initial agency review identified specific issues regarding opportunities to reduce the number of waste rock facilities, consolidation of potentially acid generating material into separate locations, and lining of the tailings and water management reservoir.

10. The water balance and geochemical aspect of the operation will receive a critical review and will include consideration of the option for land application for water management purposes.

11. Opportunities exist to place a transportation system on the project site, which meets Forest guidelines, and to reclaim existing access not meeting standards.

This list may be verified, expanded, or modified based on additional scoping for this proposal.

In order to implement the project, the proponent, Formation, must obtain approval or conduct consultation with several other federal, state, and local regulatory agencies. These agencies include: U.S. Fish and Wildlife Service, National Marine Fisheries Service, Environmental Protection Agency, Army Corps of Engineers, Idaho Department of Environmental Quality, Idaho Department of Water Resources, Idaho State Historic Preservation Officer and Lemhi County, Idaho.

The Salmon-Challis National Forest is the lead agency in the preparation of this EIS. The Idaho Department of Environmental Quality is a cooperating agency. (Other state or federal agencies may be identified as cooperating agencies as a result of the scoping process).

The Draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and available for public review in February 2002. At that time, the EPA will publish a Notice of Availability of the Draft EIS in the **Federal Register**. The comment period on the Draft EIS will be 45 days from the date the EPA's notice of availability appears in the **Federal Register**. It is very important that those interested in this proposal participate at that time. To be most helpful, comments on the Draft EIS should be as specific as possible. The Final EIS is anticipated to be completed by July 2002.

The Forest Service believes, at this stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage, but that are not raised until after completion of the final environmental impact statement, may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, ind.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments should be as specific as possible. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

I am the responsible official for this Environmental Impact Statement. My address is Salmon-Challis National Forest, 50 Hwy 93 South, Calmon, Idaho 83467.

Dated: September 4, 2001.

George Matejko,

Forest Supervisor, Salmon-Challis National Forest.

[FR Doc. 01–22597 Filed 9–7–01; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–867]

Automotive Replacement Glass Windshields From the People's Republic of China: Postponement of Preliminary Determination of Antidumping Duty Investigation

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of postponement of preliminary determination of antidumping duty investigation.

EFFECTIVE DATE: September 10, 2001.

FOR FURTHER INFORMATION CONTACT: Rick Johnson at (202) 482–3818; Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

Statutory Time Limits

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department of Commerce (the Department) to issue the preliminary determination of an antidumping duty investigation within 140 days after the date of initiation. However, if petitioner makes a timely request for an extension of the period within which the determination must be made, section 733(c)(1)(A) of the Act allows the Department to extend the time limit for the preliminary determination until not later than 190 days after the date of initiation.

Background

On March 20, 2001, the Department initiated the above-referenced investigation. *See Notice of Initiation of Antidumping Duty Investigation: Automotive Replacement Glass Windshields from the People's Republic of China,* 66 FR 16651 (March 27, 2001). On July 17, 2001, the Department postponed the deadline for the preliminary determination to August 31, 2001, pursuant to section 733(c)(1)(B) of the Act. *See Automotive Replacement Glass Windshields from the People's Republic of China: Postponement of Preliminary Determination of Antidumping Duty Investigation,* 66 FR 38256 (July 23, 2001) (''*Postponement Notice*'').

Postponement of Preliminary Determination

On August 29, 2001, petitioners made a timely request for a 10-day extension of the period within which the determination must be made in accordance with section 733(c)(1)(A) of the Act. Petitioners noted that the parties in this investigation have made a number of submissions concerning issues which could have a significant impact on the results of the preliminary determination. Further, petitioners noted that the Department's original extension indicated that this investigation involves a ''novel product with complex issues related to the * * * appropriate criteria used to define individual models for margin comparison purposes'', among other factors. *See Postponement Notice* at 38257. Furthermore, petitioners note that since the original extension of the preliminary determination, petitioners have made an allegation of critical circumstances that it must address in the preliminary determination. Therefore, based on petitioners' timely request for an extension in accordance with section 733(c)(1)(A) of the Act, the Department is postponing the deadline for issuing this determination until September 10, 2001.

Dated: August 31, 2001.

Bernard T. Carreau,

Acting Assistant Secretary for Import Administration.

[FR Doc. 01–22655 Filed 9–7–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–557–805]

Extruded Rubber Thread From Malaysia; Notice of Court Decision and Suspension of Liquidation

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On August 9, 2001, in *Heveafil Sdn. Bhd. and Filati Lastex Sdn. Bhd.* v. *United States*, Court No. 98–04–00908, Slip. Op. 01–97 (CIT), a lawsuit challenging the Department of Commerce's (the Department's) final results of administrative review of the antidumping order on extruded rubber thread from Malaysia, the Court of International Trade (CIT) affirmed the Department's remand determination and entered a judgment order. In its remand determination, the Department annulled all findings and conclusions made pursuant to the duty-absorption inquiry conducted for Heveafil Sdn. Bhd. (Heveafil) and Filati Lastex Sdn. Bhd. (Filati). As a result of the remand determination, the final antidumping duty rates for Heveafil and Filati were unchanged. However, the Court's decision was not in harmony with the Department's original final results. Consistent with the decision of the U.S. Court of Appeals for the Federal Circuit in *Timken Co.* v. *United States*, 893 F.2d 337 (Fed. Cir. 1990) (''*Timken*''), the Department will continue to order the suspension of liquidation of the subject merchandise until there is a ''conclusive'' decision in this case. If the case is not appealed, or if it is affirmed on appeal, the Department will instruct the Customs Service (Customs) to liquidate Heveafil's and Filati's entries of subject merchandise consistent with the Department's determination concerning the October 1, 1995, to September 30, 1996, period of review (POR).

EFFECTIVE DATE: September 10, 2001.

FOR FURTHER INFORMATION CONTACT: Irina Itkin, AD/CVD Enforcement Group I, Office II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–0656.

SUPPLEMENTARY INFORMATION:

Background

The Department published the notice of its final results of the administrative review of the antidumping order on extruded rubber thread, on March 16, 1998. *See Extruded Rubber Thread from Malaysia; Final Results of Antidumping Duty Administrative Review*, 63 FR 312752 (March 16, 1998) (*Thread Final Results*).

Following publication of *Thread Final Results*, Heveafil and Filati, respondents in this case, filed a lawsuit with the CIT challenging the Department's determination on eleven issues. On February 27, 2001, the CIT issued a remand with respect to one issue and affirmed the Department on all other issues. Specifically, the Court remanded the case to the Department to annul all findings and conclusions made pursuant to the duty-absorption inquiry for *Thread Final Results* because it held that the Department lacked statutory authority under section 751(a)(4) of the Tariff Act of 1930, as amended, to conduct such an inquiry for Heveafil and Filati. *See Heveafil Sdn. Bhd. and Filati Lastex Sdn. Bhd.* v. *United States*, Court No. 98–04–00908, Slip. Op. 01–22, at page 16 (CIT February 27, 2001).

On March 6, 2001, the Department issued its Final Results of Redetermination, in which it annulled all findings and conclusions made pursuant to the duty-absorption inquiry conducted in the subject review with respect to Heveafil and Filati. As a result of the remand determination, the final antidumping duty rates for Heveafil and Filati were unchanged.

The CIT affirmed the Department's Final Results of Redetermination on August 9, 2001.*See Heveafil Sdn. Bhd. and Filati Lastex Sdn. Bhd.* v. *the United States,* Court No. 98–04–00908, Slip. Op. 01–97 (CIT).

Suspension of Liquidation

The U.S. Court of Appeals for the Federal Circuit in *Timken* held that the Department must publish notice of a

decision of the CIT or the Federal Circuit which is not ''in harmony'' with the Department's final determination. Publication of this notice fulfills that obligation. The Federal Circuit also held that the Department must suspend liquidation of the subject merchandise until there is a ''conclusive'' decision in the case. Therefore, pursuant to *Timken,* the Department will continue to suspend liquidation pending the expiration of the period to appeal the CIT's August 9, 2001 decision or, if that decision is appealed, pending a final decision by the Federal Circuit. The Department will instruct Customs to liquidate Heveafil's and Filati's entries of subject merchandise during the POR, effective October 8, 2001, in the event that the CIT's ruling is not appealed.

Dated: August 31, 2001.

Bernard T. Carreau,

Acting Assistant Secretary for Import Administration.

[FR Doc. 01–22651 Filed 9–7–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–703]

Notice of Preliminary Results of Antidumping Duty Administrative Review: Granular Polytetrafluoroethylene Resin From Italy

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: In response to requests by the respondent, Ausimont SpA and Ausimont USA (Ausimont), and the petitioner, E.I. DuPont de Nemours & Company (DuPont), the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on granular polytetrafluoroethylene (PTFE) resin from Italy. The period of review (POR) is August 1, 1999, through July 31, 2000.

We preliminarily determine that sales have been made below normal value (NV). If these preliminary results are adopted in our final results, we will instruct the U.S. Customs Service to assess antidumping duties based on the difference between the United States price and NV.

EFFECTIVE DATE: September 10, 2001.

FOR FURTHER INFORMATION CONTACT: Vicki Schepker or Gabriel Adler, at (202) 482–1756 or (202) 482–3813, respectively; AD/CVD Enforcement Office V, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR part 351 (2001).

Case History

On August 30, 1988, the Department published in the **Federal Register** the antidumping duty order on granular PTFE resin from Italy (53 FR 33163). On August 16, 2000, the Department issued a notice of opportunity to request the twelfth administrative review of this order, for the period August 1, 1999, through July 31, 2000. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 65 FR 49962 (August 16, 2000). Pursuant to this notice, on August 31, 2000, the petitioner and Ausimont requested that the Department conduct an administrative review. We published the notice of initiation of this antidumping duty administrative review on October 2, 2000. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part,* 65 FR 58733 (October 2, 2000).

We issued an antidumping questionnaire to Ausimont on October 10, 2000, followed by supplemental questionnaires on February 12, May 2, and May 14, 2001. We received timely responses to these questionnaires.

We conducted a verification of sales and cost data submitted by Ausimont SpA at the company's corporate headquarters in Bollate, Italy, from July 11 through July 20, 2001. We verified data submitted by Ausimont USA at the company's Thorofare, New Jersey office on August 21 and 22, 2001. *See Memorandum from Verification Team to Gary Taverman* (Verification Report), dated August 31, 2001, on file in the Central Records Unit (CRU) located in Room B–099 of the main Department of Commerce building. We used standard verification procedures, including on-site inspection of the respondent producer's facilities and examination of relevant sales and financial records.

Scope of the Review

The product covered by this review is granular PTFE resin, filled or unfilled. This order also covers PTFE wet raw polymer exported from Italy to the United States. *See Final Affirmative Determination; Granular Polytetrafluoroethylene Resin from Italy,* 58 FR 26100 (April 30, 1993). This order excludes PTFE dispersions in water and fine powders. During the period covered by this review, such merchandise was classified under item number 3904.61.00 of the Harmonized Tariff Schedule of the United States (HTS). We are providing this HTS number for convenience and U.S. Customs purposes only. The written description of the scope remains dispositive.

Fair Value Comparisons

We compared the constructed export price (CEP) to the NV, as described in the *Constructed Export Price* and *Normal Value* sections of this notice. Pursuant to section 777A(d)(2) of the Act, we compared the CEPs of individual transactions to contemporaneous monthly weighted-average prices of sales of the foreign like product.

We first attempted to compare contemporaneous sales of products sold in the United States and the comparison market that were identical with respect to the following characteristics: type, filler, percentage of filler, and grade. Where we were unable to compare sales of identical merchandise, we compared U.S. sales with comparison market sales of the most similar merchandise.

Since there were appropriate comparison market sales for all U.S. sales, we did not need to compare U.S. sales to constructed value, in accordance with section 773(a)(4) of the Act.

Constructed Export Price

For all sales to the United States, we calculated CEP, as defined in section 772(b) of the Act, because all sales to unaffiliated parties were made after importation of the subject merchandise into the United States through the respondent's affiliate, Ausimont USA. We based CEP on the packed, delivered prices to unaffiliated purchasers in the United States, net of billing adjustments. We adjusted these prices for movement expenses, including international freight, marine insurance, brokerage and handling, U.S. inland freight, and U.S. customs duties, in accordance with section 772(c)(2)(A) of the Act.

In accordance with section 772(d)(1) of the Act, we deducted selling

expenses incurred by the affiliated seller in connection with economic activity in the United States. These expenses include credit, inventory carrying costs, and indirect expenses incurred by Ausimont USA.

With respect to sales involving imported wet raw polymer that was further manufactured into finished PTFE resin in the United States, we deducted the cost of such further manufacturing in accordance with section 772(d)(2) of the Act.[1]

Finally, we made an adjustment for the profit allocated to the above-referenced selling and further manufacturing expenses, in accordance with section 772(d)(3) of the Act.

Normal Value

A. Selection of Comparison Markets

In order to determine whether there was a sufficient volume of sales of granular PTFE resin in the home market to serve as a viable basis for calculating NV, we compared Ausimont's volume of home market sales of the foreign like product to the volume of U.S. sales of the subject merchandise, in accordance with section 773(a) of the Act. Because the aggregate volume of home market sales of the foreign like product was greater than five percent of the respective aggregate volume of U.S. sales for the subject merchandise, we determined that the home market provided a viable basis for calculating NV. Therefore, in accordance with section 773(a)(1)(B)(i) of the Act, we based NV on the prices at which the foreign like product was first sold for consumption in the exporting country, in the usual commercial quantities and in the ordinary course of trade.

B. Cost of Production Analysis

Based on a timely allegation filed by the petitioners, we initiated a cost of production (COP) investigation of Ausimont, to determine whether sales were made at prices below the COP. *See Memorandum from David Layton and Magd Zalok to Gary Taverman, dated February 5, 2001.*

1. Calculation of COP

In accordance with section 773(b)(3) of the Act, we calculated the weighted-average COP, by model, based on the sum of the cost of materials and fabrication for the foreign like product, plus amounts for general and administrative expenses, interest expenses, selling expenses, and packing costs. Initially, Ausimont provided fiscal-year 1999 cost data for the foreign like product because fiscal-year (FY) 2000 audited data were not available when the initial questionnaire response was prepared. Once the FY 2000 data became available, we requested, and Ausimont submitted, COP data for the POR. *See* Letter from the Department of Commerce to Ausimont, dated June 11, 2001. We relied on the submitted COPs for the POR in our COP analysis.

2. Test of Home Market Sales Prices

We compared the adjusted weighted-average COP to the home market sales of the foreign like product, as required under section 773(b) of the Act, in order to determine whether these sales had been made at prices below the COP within an extended period of time (*i.e.,* a period of one year) in substantial quantities and whether such prices were sufficient to permit the recovery of all costs within a reasonable period of time.

On a model-specific basis, we compared the revised COP to home market prices, less any rebates, discounts, applicable movement charges, and direct and indirect selling expenses (which were also deducted from COP).

3. Results of the COP Test

We disregarded below-cost sales where 20 percent or more of the respondent's sales of a given product were made at prices below the COP. We determined such sales were made within an extended period of time in substantial quantities in accordance with sections 773(b)(2)(B) and (C) of the Act and at prices which would not permit recovery of all costs within a reasonable time period, in accordance with section 773(b)(2)(D) of the Act.

C. Calculation of NV Based on Comparison-Market Prices

We determined home market prices net of price adjustments (i.e., early payment discounts and rebates). Where applicable, we made adjustments for packing and movement expenses, in accordance with sections 773(a)(6)(A) and (B) of the Act. In order to adjust for differences in packing between the two markets, we deducted home market packing costs from NV and added U.S. packing costs. We increased the reported U.S. packing costs by an amount for packing labor, consistent with the findings of the sales verification conducted in this case. *See* Verification Report. We also made adjustments for differences in costs attributable to differences in physical characteristics of the merchandise, pursuant to section 773(a)(6)(C)(ii) of the Act, and for other differences in the circumstances of sale (COS) in accordance with section 773(a)(6)(C)(iii) of the Act (*i.e.,* differences in credit expenses). Finally, we made a CEP-offset adjustment to the NV for indirect selling expenses pursuant to section 773(a)(7)(B) of the Act as discussed in the *Level of Trade/CEP Offset* section below.

Level of Trade/CEP Offset

In accordance with section 773(a)(1)(B) of the Act, to the extent practicable, we determine NV based on sales at the same level of trade in the comparison market as the level of trade of the U.S. sales. The NV level of trade is that of the starting-price sales in the comparison market. For CEP sales, such as those made by Ausimont in this review, the U.S. level of trade is the level of the constructed sale from the exporter to the importer.

To determine whether NV sales are at a different level of trade than that of the U.S. sales, we examine stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. If the comparison-market sales are at a different level of trade and the difference affects price comparability, as manifested in a pattern of consistent price differences between the sales on which NV is based and comparison-market sales at the level of trade of the export transaction, we make a level-of-trade adjustment under section 773(a)(7)(A) of the Act. Finally, if the NV level is more remote from the factory than the CEP level and there is no basis for determining whether the difference in the levels between NV and CEP affects price comparability, we adjust NV under

[1] We note that on November 20, 2000, Ausimont requested that the Department apply the ''special rule'' in accordance with section 772(e) of the Act. Under the special rule, where the value added to the merchandise by an affiliate is likely to exceed substantially the value of the subject merchandise, the administering authority determines the constructed export price using the price of identical or similar subject merchandise sold by the exporter or producer to an unaffiliated person, provided that the administering authority determines that the use of such sales is appropriate. On November 28, 2000, we rejected Ausimont's request, noting that, as in the previous review (where the same issue had been raised) the administrative burden of applying section 772(d)(2) of the Act in this case is relatively low, and the proportion of the respondent's further-manufactured sales relative to total sales is sufficiently high to raise concerns about the accuracy of the dumping margin that would result from application of the special rule. See Letter from the Department of Commerce to Ausimont, dated November 28, 2000, including Memorandum from Magd Zalok to Holly Kuga, Acting Deputy Assistant Secretary for Import Administration, dated December 9, 1999, on file in the CRU.

section 773(a)(7)(B) of the Act (the CEP-offset provision). *See, e.g., Industrial Nitrocellulose From the United Kingdom; Notice of Final Results of Antidumping Duty Administrative Review,* 65 FR 6148, 6151 (February 8, 2000) (Industrial Nitrocellulose).

In implementing these principles in this review, we obtained information from Ausimont about the marketing involved in the reported U.S. sales and in the home market sales, including a description of the selling activities performed by Ausimont for each channel of distribution. In identifying levels of trade for CEP and for home market sales, we considered the selling functions reflected in the CEP, after the deduction of expenses and profit under section 772(d) of the Act, and those reflected in the home market starting price before making any adjustments. We expect that, if claimed levels of trade are the same, the functions and activities of the seller should be similar. Conversely, if a party claims that levels of trade are different for different groups of sales, the functions and activities of the seller should be dissimilar.

The record evidence in this review indicates that the home market and the CEP levels of trade have not changed from the 1998–99 review,[2] the most recently completed review in this case. As explained below, we determined in this review that, as in the prior review, there was one home market level of trade and one U.S. level of trade (*i.e.,* the CEP level of trade).

In the home market, Ausimont sold directly to fabricators. These sales primarily entailed selling activities such as technical assistance, engineering services, research and development, technical programs, and delivery services. Given this fact pattern, we found that all home market sales were made at a single level of trade. In determining the level of trade for the U.S. sales, we only considered the selling activities reflected in the price after making the appropriate adjustments under section 772(d) of the Act. *See, e.g., Industrial Nitrocellulose* at 6150. The CEP level of trade involves minimal selling functions such as invoicing and the occasional exchange of personnel between Ausimont SpA and its U.S. affiliate. Given this fact pattern, we found that all U.S. sales were made at a single level of trade.

[2] *See Notice of Final Results of Antidumping Duty Administrative Review; Granular Polytetrafluoroethylene Resin From Italy,* 65 FR 54993 (September 12, 2000), and *Granular Polytetrafluoroethylene Resin from Italy; Preliminary Results of Antidumping Duty Administrative Review,* 65 FR 30064 (May 10, 2000).

Based on a comparison of the home market level of trade and this CEP level of trade, we find the home market sales to be at a different level of trade from, and more remote from the factory than, the CEP sales. Section 773(a)(7)(A) of the Act directs us to make an adjustment for difference in levels of trade where such differences affect price comparability. However, we were unable to quantify such price differences from information on the record. Because we have determined that the home-market level of trade is more remote from the factory than the CEP level of trade, and because the data necessary to calculate a level-of-trade adjustment are unavailable, we made a CEP-offset adjustment to NV pursuant to section 773(a)(7)(B) of the Act.

Currency Conversion

We made currency conversions into U.S. dollars in accordance with section 773A of the Act, based on exchange rates in effect on the date of the U.S. sale, as certified by the Federal Reserve Bank.

Preliminary Results of Review

As a result of this review, we preliminarily determine that the following weighted-average margin exists for the period August 1, 1999, through July 31, 2000:

Exporter/manufacturer	Weighted-average margin percentage
Ausimont SpA	2.15

The Department will disclose calculations performed within five days of the date of publication of this notice to the parties of this proceeding in accordance with 19 CFR 351.224(b). An interested party may request a hearing within 30 days of publication of these preliminary results. *See* 19 CFR 351.310(c). Any hearing, if requested, will be held 44 days after the date of publication, or the first working day thereafter. Interested parties may submit case briefs and/or written comments no later than 30 days after the date of publication of these preliminary results of review. Rebuttal briefs and rebuttals to written comments, limited to issues raised in such briefs or comments, may be filed no later than 37 days after the date of publication. Parties who submit arguments are requested to submit with the argument (1) a statement of the issue, (2) a brief summary of the argument, and (3) a table of authorities. We encourage parties submitting written comments would provide the Department with an additional copy of the public version of any such comments on diskette. The Department will issue the final results of this administrative review, which will include the results of its analysis of issues raised in any such comments, within 120 days of publication of these preliminary results.

Assessment

Pursuant to 19 CFR 351.212(b), the Department calculated an assessment rate applicable to all appropriate entries. We calculated an importer-specific duty assessment rate on the basis of the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the examined sales for that importer. Upon issuance of the final results of review, where the assessment rate is above *de minimis,* we will instruct the U.S. Customs Service to assess duties on all entries of subject merchandise by that importer.

Cash Deposit Requirements

The following deposit requirements will be effective upon completion of the final results of this administrative review for all shipments of granular PTFE resin from Italy entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for Ausimont will be the rate established in the final results of administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in the original less than fair value (LTFV) investigation or a previous review, the cash deposit will continue to be the most recent rate published in the final determination or final results for which the manufacturer or exporter received a company-specific rate; (3) if the exporter is not a firm covered in this review, a previous review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review, the cash deposit rate will be 46.46 percent, the ''all others'' rate established in the LTFV investigation. *See* 53 FR 26090 (July 11, 1988).

These cash deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility to file a certificate

regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: August 31, 2001.

Bernard T. Carreau,

Acting Assistant Secretary for Import Administration.

[FR Doc. 01–22649 Filed 9–7–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–825]

Oil Country Tubular Goods From Korea: Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of the antidumping duty administrative review of oil country tubular goods from Korea.

SUMMARY: In response to a request from SeAH Steel Corporation (''SeAH''), the Department of Commerce (''the Department'') is conducting an administrative review of the antidumping duty order on oil country tubular goods (''OCTG'') from Korea. This review covers one manufacturer/exporter of the subject merchandise to the United States, SeAH, and the period August 1, 1999 through July 31, 2000, which is the fifth period of review (''POR'').

We have preliminarily determined that SeAH made sales below normal value (''NV''). If these preliminary results are adopted in our final results of this administrative review, we will instruct the U.S. Customs Service to assess antidumping duties based on the difference between the constructed export price (''CEP'') and NV. The preliminary results are listed below in the section entitled ''Preliminary Results of Review.''

EFFECTIVE DATE: September 10, 2001.

FOR FURTHER INFORMATION CONTACT: Mike Strollo or Scott Lindsay, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–5255, or (202) 482–3782, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR part 351 (2000).

Background

On August 11, 1995, the Department published in the **Federal Register** an antidumping duty order on oil country tubular goods (OCTG) from Korea (60 FR 41058). On August 31, 2000, the Department received a timely request from SeAH to conduct an administrative review pursuant to section 351.213(b)(2) of the Department's regulations. We published a notice of initiation of this antidumping duty administrative review on OCTG on October 2, 2000 (65 FR 58733).

The Department subsequently determined it was impracticable to complete the review within the standard time frame, and extended the deadline for completion of this antidumping duty administrative review. *See Oil Country Tubular Goods from Korea: Extension of Time Limit for Preliminary Results of Antidumping Administrative Review,* 66 FR 23232 (May 8, 2001).

Scope of Review

The products covered by this order are oil country tubular goods (''OCTG''), hollow steel products of circular cross-section, including only oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, whether or not conforming to American Petroleum Institute (''API'') or non-API specifications, whether finished or unfinished (including green tubes and limited service OCTG products). This scope does not cover casing or tubing pipe containing 10.5 percent or more of chromium, or drill pipe. The products subject to this order are currently classified in the Harmonized Tariff Schedule of the United States (''HTSUS'') under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.30.10, 7304.29.30.20, 7304.29.30.30, 7304.29.30.40, 7304.29.30.50, 7304.29.30.60, 7304.29.30.80, 7304.29.40.10, 7304.29.40.20, 7304.29.40.30, 7304.29.40.40, 7304.29.40.50, 7304.29.40.60, 7304.29.40.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.60.15, 7304.29.60.30, 7304.29.60.45, 7304.29.60.60, 7304.29.60.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.20.10.30, 7306.20.10.90, 7306.20.20.00, 7306.20.30.00, 7306.20.40.00, 7306.20.60.10, 7306.20.60.50, 7306.20.80.10, and 7306.20.80.50. The HTSUS item numbers are provided for convenience and Customs purposes. The written description remains dispositive of the scope of this review.

Period of Review

This review covers the period August 1, 1999 through July 31, 2000.

Verification

As provided in section 782(i) of the Act, we verified information provided by SeAH using standard verification procedures, including on-site inspection of the manufacturer's facilities and the examination of relevant sales and financial records.

Date of Sale

SeAH reported the date of invoice as the date of sale for its U.S. market sales and the purchase order date as the date of sale in the third country market. SeAH stated that, in the third country market, the material terms of sale, i.e. price and quantity, are finalized on the purchase order date, and therefore, this date was reported as the date of sale. For its U.S. sales, SeAH stated that the vast majority of sales are made from inventory. For these sales, the customer generally contacted Pusan Pipe America (''PPA''), SeAH's affiliated reseller. According to SeAH, no set purchase order was generated, and the invoice was the first document which indicated that a transaction occurred. Therefore, the invoice date best reflects the date on which the material terms of sale are established. On June 1, 2001, SeAH reiterated that the dates of sale reported in both markets best reflect the dates on which the material terms were set. The Department, therefore, is preliminarily using the dates of sale reported by SeAH.

Transactions Reviewed

SeAH produced OCTG in Korea and shipped it to the United States. PPA was the importer of record for all U.S. sales. All of SeAH's U.S. sales are classified as CEP sales (*see* ''United States Price'' section below). The Department's questionnaire instructed the respondent to report CEP sales made after importation if the dates of sale fell within the POR (*see* page C–1 of the Department's October 26, 2000 Questionnaire). Therefore, as it did in the 1997–1998 review, the Department again reviewed U.S. sales during the POR when those sales involved subject merchandise that had entered the United States and been placed in the physical inventory of SeAH's U.S. affiliate. The questionnaire also instructed the respondent to report CEP sales made prior to importation when the entry dates fell within the POR. Consequently, we have limited our U.S. database to these sets of transactions.

Comparison Market

The Department determines the viability of a comparison market by comparing the aggregate quantity of comparison market sales to U.S. sales. An exporting country is not considered a viable comparison market if the aggregate quantity of sales of subject merchandise to that market amounts to less than five percent of the quantity of sales of subject merchandise into the United States during the POR. *See* section 773(a)(1)(B) of the Act; 19 CFR 351.404. We found Korea was not a viable comparison market because the aggregate quantity of SeAH's sales of subject merchandise in Korea during the POR amounted to less than five percent of the quantity of sales of subject merchandise to the United States during the POR.

According to section 773(a)(1)(B)(ii) of the Act, the price of sales to a third country can be used as the basis for normal value only if such price is representative, if the aggregate quantity (or, where appropriate, value) of sales to that country is at least five percent of the quantity (or value) of total sales to the United States, and if the Department does not determine that the particular market situation in that country prevents proper comparison with the export price or constructed export price. The only third country market to which SeAH sold subject merchandise during the POR was Canada. Sales to Canada, on both a value and a volume basis, were found to be greater than the five percent threshold defined in section 773(a)(1)(B) of the Act and section 19 CFR 351.404 of the Department's regulations. In addition, we found that the market situation in Canada did not prevent proper comparison between normal value and constructed export price. Therefore, we used Canadian sales in our analysis of petitioners' allegation regarding sales below cost (*see* ''Normal Value'' section below), and have used SeAH's sales to Canada as the basis for normal value.

Normal Value Comparisons

To determine whether sales of subject merchandise to the United States were made at less than normal value, we compared the Constructed Export Price (CEP) to the NV, as described in the ''United States Price'' and ''Normal Value'' sections of this notice. In accordance with section 777A(d)(2) of the Act, we calculated monthly weighted-average prices for NV and compared these to individual U.S. transaction prices.

United States Price

We preliminarily determine that all of SeAH's U.S. sales were made ''in the United States'' by SeAH's U.S. affiliate on behalf of SeAH within the meaning of section 772(b) of the Act, and thus, should be treated as CEP transactions. *See AK Steel Corp.* v. *United States,* 226 F.3d 1361, 1374 (Fed. Cir. 2000).

The starting point for the calculation of CEP was the delivered price to unaffiliated customers in the United States. We identified the appropriate starting price by adjusting for early payment discounts. In accordance with section 772(c)(2) of the Act, we made deductions for movement expenses, including foreign inland freight, ocean freight, marine insurance, foreign and U.S. brokerage and handling, U.S. inland freight, U.S. wharfage, and U.S. customs duties. In accordance with section 772(d)(1) of the Act, we also deducted credit expenses and indirect selling expenses, including inventory carrying costs. In accordance with section 772(c)(1)(B) of the Act, we added duty drawback to the starting price. In accordance with section 772(d)(2) of the Act, we deducted the cost of further manufacturing where such deduction was appropriate. This deduction for further manufacturing was based on the fees charged by unaffiliated U.S. processors; SeAH indicated that the reported further processors' charges included processing costs and, where applicable, the cost of materials. SeAH also indicated that the reported further processors' charges did not include separate G&A expense information related to this further processing because all of the expenses incurred by PPA, including the minimal G&A expense associated with PPA's dealings with further processors, were reported as indirect selling expenses. Finally, we deducted an amount of profit allocated to these expenses, in accordance with section 772(d)(3) of the Act.

Normal Value

A. Model Match

In making comparisons in accordance with section 771(16) of the Act, we considered all products described in the ''Scope of Review'' section of this notice, above, sold in the comparison market in the ordinary course of trade for purposes of determining appropriate product comparisons to U.S. sales. Where there were no sales of identical merchandise in the comparison market made in the ordinary course of trade to compare to U.S. sales, we compared U.S. sales to sales of the most similar foreign like product made in the ordinary course of trade, based on the characteristics listed in Appendix V of the Department's October 26, 2000 antidumping questionnaire.

In the most recently completed segment of the proceeding involving SeAH, i.e., the third review, the Department disregarded SeAH's sales that failed the cost test. *See Oil Country Tubular Goods From Korea; Final Results of Antidumping Duty Administrative Review,* 65 FR 13364 (March 13, 2000). We therefore had reasonable grounds to believe or suspect, pursuant to section 773(b)(2)(A)(ii) of the Act, that SeAH's sales of the foreign like product under consideration for the determination of NV in this review may have been made at prices below COP. Therefore, we examined whether sales in the comparison market were below the cost of production.

B. Cost of Production and Constructed Value

1. *Cost of Production:* Using sales and COP information provided by the respondent, we compared sales of the foreign like product in the comparison market with the model-specific COP figures for the POR. In accordance with section 773(b)(3) of the Act, we calculated the COP based on the sum of the costs of materials and fabrication employed in producing the foreign like product, plus selling, general and administrative (SG&A) expenses, including all costs and expenses incidental to placing the foreign like product in packed condition and ready for shipment.

After calculating COP, we tested whether comparison market sales of the

foreign like product were made at prices below COP and, if so, whether the below-cost sales were made within an extended period of time in substantial quantities and at prices that did not permit recovery of all costs within a reasonable period of time. *See* section 773(b)(1) of the Act. Because each individual price was compared to the POR average COP, any sales that were below cost were also determined not to be at prices which permitted cost recovery within a reasonable period of time. *See* section 773(b)(2)(D) of the Act. We compared model-specific COPs to the reported comparison market prices less any applicable movement charges, discounts, and rebates.

Pursuant to section 773(b)(2)(C) of the Act, where less than 20 percent of a respondent's sales of a given model were at prices less than COP, we did not disregard any below-cost sales of that model because the below-cost sales were not made in substantial quantities within an extended period of time. Where 20 percent or more of a respondent's sales of a given model during the POR were at prices less than the weighted-average COPs for the POR, we disregarded the below-cost sales because they were made within an extended period of time in substantial quantities in accordance with sections 773(b)(2) (B) and (C) of the Act, and were at prices which would not permit recovery of all costs within a reasonable period of time in accordance with section 773(b)(2)(D) of the Act.

2. *Constructed Value:* In accordance with section 773(a)(4) of the Act, we used CV as the basis for NV when there were no usable contemporaneous sales of subject merchandise in the comparison market. We calculated CV in accordance with section 773(e) of the Act. We included SeAH's cost of materials and fabrication (including packing), SG&A expenses, and profit. *See* section 773(e)(2)(A) of the Act. In accordance with the Department's October 26, 2000 questionnaire, the reported cost of materials included import duties associated with obtaining the materials. In accordance with section 773(e)(2)(A) of the Act, we based SG&A expenses and profit on the amounts incurred and realized by the respondent in connection with the production and sale of the foreign like product in the ordinary course of trade for consumption in the foreign country. For selling expenses, we relied on SeAH's reported weighted-average third country selling expenses.

C. Price-to-Price Comparison

Where appropriate, for comparison to CEP, we made adjustments to NV by deducting Korean inland freight from the factory to the port, brokerage and handling, terminal charges, wharfage, international ocean freight and packing, in accordance with section 773(a)(6)(B) of the Act, and direct selling expenses (credit expenses) in accordance with section 773(a)(6)(C)(iii) of the Act. We also made adjustments for differences in costs attributable to differences in physical characteristics of merchandise, pursuant to section 773(a)(6)(C)(ii) of the Act.

Finally, the Department added duty drawback to third-country prices for comparison to duty-inclusive cost of production and U.S. price. *See Oil Country Tubular Goods from Korea: Final Results of Antidumping Duty Administrative Review,* 64 FR 13169 (March 17, 1999).

Level of Trade

In accordance with section 773(a)(1)(B) of the Act, to the extent practicable, we determine NV based on sales in the comparison market at the same level of trade (''LOT'') of the U.S. sales. The NV LOT is that of the starting-price sales in the comparison market. The Court of Appeals for the Federal Circuit (''Federal Circuit'') has held that the statute unambiguously requires Commerce to deduct the selling expenses set forth in section 772(d) from the CEP starting price prior to performing its LOT analysis. *See Micron Technology, Inc.* v. *United States,* 243 F.3rd 1301, 1315 (Fed. Cir. 2001). Consequently, the Department will continue to adjust the CEP, pursuant to section 772(d), prior to performing the LOT analysis, as articulated by the Department's regulations at section 351.412. When NV is based on CV, the NV LOT is that of the sales from which we derive SG&A expenses and profit.

To determine whether comparison market NV sales are at a different LOT than EP or CEP sales, we examine stages in the marketing process and selling functions along the chain of distribution between the producer and unaffiliated customer. If the comparison-market sales are at a different level of trade and the difference affects price comparability, as manifested in a pattern of consistent price differences between the sales on which NV is based and comparison-market sales at the level of trade of the export transaction, we make a level-of-trade adjustment under section 773(a)(7)(A) of the Act. Finally, if the NV level is more remote from the factory than the CEP level and there is no basis for determining whether the difference in the levels between NV and CEP affects price comparability, we adjust NV under section 773(a)(7)(B) of the Act (the CEP-offset provision). *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from South Africa,* 62 FR 61731, 61732 (November 17, 1997).

In the instant review, SeAH only made sales in both the United States and the third country market, Canada, through its affiliate, PPA. In Canada, SeAH reported only one LOT. SeAH contends that when the CEP adjustments are made, the CEP LOT is less advanced than the foreign market LOT, qualifying SeAH for a CEP offset.

In the foreign market (i.e., the third-country market), the relevant transaction for the Department's analysis is between the affiliate, PPA, and the unaffiliated purchaser in Canada. PPA performs the following selling functions with respect to its Canadian and U.S. sales: negotiating prices, meeting with customers, invoicing, extending credit, managing personnel (i.e., training), strategic and economic planning, computer, legal, accounting, and/or business system development, and procurement and/or sourcing. However, the relevant transaction for U.S. sales, after CEP adjustments are made, is between SeAH and PPA. SeAH does not perform any of the above-listed functions which PPA provides for Canadian customers. On the other hand, for SeAH's sales to PPA, PPA performs four functions that are not provided when PPA sells to Canadian customers: serving as importer of record, paying U.S. customs duties and wharfage, arranging import documents, and inventorying the merchandise. Finally, there is one selling function that PPA provides on its sales to the United States that is performed by SeAH for SeAH's sales through PPA to Canada, market research.

As set forth in section 351.412(f) of the Department's regulations, a CEP offset will be granted where (1) normal value is compared to CEP sales, (2) normal value is determined at a more advanced LOT than the LOT of the CEP, and (3) despite the fact that the party has cooperated to the best of its ability, the data available do not provide an appropriate basis to determine whether the difference in LOT affects price comparability. Since the selling functions provided by PPA for SeAH's sales to the United States, after CEP adjustments are made, are at a marketing stage which is less advanced than for SeAH's sales to Canada, we preliminarily determine that sales in Canada are being made at a more advanced LOT than those to the U.S. Because there is only one level of trade

in Canada, the data available do not permit us to determine the extent to which this difference in LOT affects price comparability. Therefore, in accordance with section 351.412(f), we are granting SeAH a CEP offset. To calculate this offset, we deducted indirect selling expenses from NV to the extent of U.S. indirect selling expenses.

Currency Conversion

We made currency conversions based on the exchange rates in effect on the dates of the U.S. sales, as certified by the Federal Reserve Bank, in accordance with section 773A(a) of the Act.

Preliminary Results of Review

We preliminarily determine that the following dumping margin exists:

Manufacturer/ exporter	Time period	Margin (percent)
SeAH Steel Corporation	8/1/1999–7/31/ 2000	1.54

We will disclose to any party to the proceeding calculations performed in connection with these preliminary results of review, within five days after the date of the publication of the preliminary results of review. *See* 19 CFR 351.224(b). Interested parties may submit case briefs within 30 days of the date of publication of this notice in accordance with 19 CFR 351.309(c)(1)(ii). Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than five days after the time limit for filing the case briefs. *See* 19 CFR 351.309(d). Any interested party may request a hearing within 30 days of publication of these preliminary results. The hearing, if requested, will be held two days after the scheduled date for submission of rebuttal briefs unless otherwise notified by the Department. Unless extended under section 751(a)(3)(A) of the Act, the Department will issue the final results of this administrative review, which will include the results of its analysis of issues raised in any such comments, not later than 120 days after the date of publication of this notice.

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. Upon completion of this review, the Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit rates will be effective upon publication of the final results of this administrative review for all shipments of OCTG from Korea entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) for SeAH, the cash deposit rate will be the rate established in the final results of this review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will be the company-specific rate established for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less than fair value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the subject merchandise; and (4) for all other producers and/or exporters of this merchandise, the cash deposit rate shall be the rate established in the LTFV investigation, which is 12.17 percent. *See Final Determination of Sales at Less Than Fair Value: Oil Country Tubular Goods from Korea,* 60 FR 33561 (June 28, 1995).

These deposit rates, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are issued in accordance with sections 751(a)(1) and 777(i)(1) of the Act (19 U.S.C. 1675(a)(1) and 19 U.S.C. 1677(f)(i)(1)).

Dated: August 31, 2001.

Bernard T. Carreau,

Acting Assistant Secretary for Import Administration.

[FR Doc. 01–22656 Filed 9–7–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–469–007]

Potassium Permanganate From Spain: Notice of Amended Final Results of Antidumping Duty Administrative Review Pursuant to Final Court Decision

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of amended final results of antidumping duty administrative review pursuant to final court decision

SUMMARY: On February 28, 1992, the United States Court of International Trade (CIT) affirmed the remand determination of the Department of Commerce (the Department) of the final results of the antidumping duty administrative review on potassium permanganate from Spain for the period of review, January 1, 1986 to December 31, 1986. In order to give effect to this final and conclusive decision, we are amending our final results retroactively.

EFFECTIVE DATE: September 10, 2001.

FOR FURTHER INFORMATION CONTACT: Jack K. Dulberger, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–5505.

SUPPLEMENTARY INFORMATION:

Background

On June 8, 1988, the Department published in the **Federal Register** a notice of final results of antidumping duty administrative review on potassium permanganate from Spain *See Notice of Final Results of Antidumping Duty Administrative Review on Potassium Permanganate from Spain,* 53 FR 21504 (June 8, 1988) (*Final Results*). Industria Quimica del Nalon (IQN), (formerly known as Asturquimica), the sole respondent in this case, subsequently appealed the Department's determination before the CIT on the following three issues: (1) Whether to allow home market technical services and invoice processing expense adjustments; (2) whether to allow a currency conversion adjustment (*i.e.,* for Spanish currency appreciation during the POR, under 19 CFR 353.60 (b)); and (3) whether to allow a home market tax rebate adjustment. On December 21, 1989, the CIT directed the Department to grant a tax rebate adjustment. *See Industria Quimica del Nalon* v. *United States,* Slip Op. 89–174 (December 21, 1989). On May 24, 1991 the court again remanded the above-referenced proceeding to the Department. In its opinion, the court directed the Department to grant the respondent technical services and invoice processing expense adjustments. *See Industria Quimica del Nalon* v. *United States,* Slip Op. 91–43 (CIT, May 24, 1991).[1]

[1] In its opinion, the CIT also upheld the Department's denial of a currency rate adjustment.

On September 9, 1991, the Department filed with the court its final results of redetermination in which the dumping margin calculation reflected the adjustments for the tax rebate and certain technical services and invoice processing expenses. *See Memorandum for Eric I. Garfinkel, Assistant Secretary from Joseph A. Spetrini, Deputy Assistant Secretary: Remand Results—Industria Quimica del Nalon* v. *United States concerning Potassium Permanganate from Spain,* (September 9, 1991)(Public Version). On February 28, 1992, the CIT affirmed the Department's remand results. *See Industria Quimica del Nalon* v. *United States,* Slip Op. 92–17 (CIT, February 28, 1992). On May 17, 1993, the court issued a final and conclusive decision dismissing the case. *See Industria Quimica del Nalon* v. *United States,* Slip Op. 92–17 (May 17, 1993). This decision was not appealed and has now become final and conclusive.

As a result of these proceedings, the dumping margin for IQN changed to 5.53 percent. We are amending the *Final Results* for the period January 1, 1986 to December 31, 1986 now as notice of this change was inadvertently not published earlier.

As a result of the remand determination, the final dumping margin is as follows:

Manufacturer: IQN

Margin (Percent): 5.53

The ''All Others Rate'' was not affected by the *Final Results of Redetermination.*

Accordingly, the Department will determine and the United States Customs Service will assess, antidumping duties on all entries of subject merchandise from IQN during the review period in question in accordance with these amended final results. This notice is issued and published in accordance with section 751(a)(1) of the Tariff Act (19 USC 1675(a)(1) and 19 CFR 351.221).

Dated: August 31. 2001.

Bernard T. Carreau,

Acting Assistant Secretary for Import Administration.

[FR Doc. 01–22654 Filed 9–7–01; 8:45 am]

BILLING CODE 3510–DS–P

See Industria Quimica del Nalon v. *United States,* Slip Op. 91–43 (CIT, May 24, 1991).

DEPARTMENT OF COMMERCE

[A–570–815]

Sulfanilic Acid From the People's Republic of China; Preliminary Results and Preliminary Partial Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: September 10, 2001.

ACTION: Notice of Preliminary Results and Preliminary Partial Rescission of Antidumping Duty Administrative Review.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on sulfanilic acid from the People's Republic of China. The review covers exports of this merchandise to the United States for the period August 1, 1999, through July 31, 2000, and three firms: Zhenxing Chemical Industry Company (Zhenxing), Yude Chemical Industry Company (Yude), and Baoding Chemical Industry Import and Export Corporation (Baoding). The preliminary results of this review indicate that there are dumping margins only for Zhenxing and the ''PRC enterprise.''

We preliminarily find that Baoding acted as Zhenxing's shipping agent in preparing Zhenxing's export documents and coordinating its shipments of subject merchandise to the United States during the POR. Therefore, we are preliminarily rescinding the review of Baoding because we preliminarily find that Baoding was not involved in any sales of sulfanilic acid to the United States other than those reported by Zhenxing. In addition, we are preliminarily rescinding the review with respect to Yude because Yude did not export the subject merchandise to the United States during the period of review (POR). Interested parties are invited to comment on these preliminary results. *See Public Comment* section of this notice. The dumping margins are listed below in the ''Preliminary Results of the Review'' section of this notice.

EFFECTIVE DATE: September 10, 2001.

FOR FURTHER INFORMATION CONTACT: Sean Carey or Dana Mermelstein, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230 at (202) 482–3964 or (202) 482–1391, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the Tariff Act of 1930 (the Act), as amended. In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR part 351 (2000).

Background

On August 16, 2000, the Department published in the **Federal Register** (65 FR 49962) a notice of ''Opportunity to Request Administrative Review'' of the antidumping duty order on Sulfanilic Acid from the People's Republic of China, for the August 1, 1999, through July 31, 2000, period of review (POR), 57 FR 37524 (August 19, 1992). In accordance with 19 CFR 351.213(b), petitioner, Nation Ford Chemical Company, and respondents, Zhenxing, Yude, Baoding, and PHT International, Inc. (''PHT,'' the U.S. importer affiliated with Zhenxing), requested a review for the aforementioned period. On October 2, 2000, we published a notice of ''Initiation of Antidumping Review.'' *See* 65 FR 58733. The Department is now conducting this administrative review pursuant to section 751(a) of the Act.

Zhenxing, a Chinese manufacturer described as a joint venture with U.S.-based importer PHT, reported sales of subject merchandise to the United States during the POR in its December 11, 2000, response to Section A (Organization, Accounting Practices, Markets and Merchandise) of the Department's questionnaire. In its response to this questionnaire, Yude reported that it did not make any sales of sulfanilic acid to the United States during the POR. Baoding indicated that it would not be submitting its Section A response. On December 15, 2000, Baoding filed a request to submit an overdue response to Section A of the Department's questionnaire, indicating its interest in seeking a separate rate for Baoding's sales of sulfanilic acid to the United States during the POR. Zhenxing submitted its response to Sections C and D (Sales to the United States and Factors of Production, respectively) on January 8, 2001. On January 10, 2001, the Department granted Baoding's request to submit its overdue Section A response, which was subsequently submitted on January 11, 2001. Baoding submitted its response to Section C on January 24, 2001, and stated that it was not filing a Section D response since all of its sales of subject merchandise to the United States were produced by Zhenxing, and

the information was already included in Zhenxing's Section D response.

On December 22, 2000, the Department requested, in a letter to the U.S. Customs Service (Customs), the release of certain Customs documents concerning alleged sales of sulfanilic acid from Zhenxing to an unaffiliated importer other than PHT during the POR. Customs released these documents to the Department on January 26, 2001. On February 2, 2001, the Department filed these Customs documents on the record of this review and invited interested parties to provide comments. Petitioner and respondents filed comments on February 16, 2001, and rebuttal comments on February 20, 2001. On February 27, 2001, petitioner filed a submission to rebut the new factual information included in respondents' February 16, 2001, in accordance with section 351.301(c)(1) of the Department's regulations.

Petitioner submitted a letter to the Department on March 5, 2001, requesting that the Department effectively end its review and resort to adverse facts available in assigning a dumping margin. In this letter, petitioner claimed that the Customs documents indicated that information provided in the questionnaire responses was inaccurate and misleading. In an April 13, 2001, submission, respondents indicated that they were prepared to file a consolidated sales response on behalf of Zhenxing and Baoding that would encompass all of ''Zhenxing's'' sales of sulfanilic acid during the POR, to related and unrelated importers in the United States. According to respondents, their decision was made in light of the Department's determination made in the prior administrative review that Baoding's sales to an unrelated importer were Zhenxing's sales. *See Sulfanilic Acid from the People's Republic of China; Final Results of Administrative Review,* 66 FR 15837 (March 21, 2001) and accompanying Decision Memo at Comment 1, on file in the Department's Central Records Unit (CRU) located in room B–099 of the Department's main building. On May 2, 2001, petitioner filed a letter to the Department again requesting an immediate end to the review and the use of adverse facts available. Petitioner also stated that if the Department chose not to terminate the review, the Department must request that respondents provide a consolidated response for all of Zhenxing's sales to the United States of subject merchandise (including Baoding's U.S. sales of sulfanilic acid), and that respondents address certain deficiencies in their responses that included contradictory and misleading statements which should be verified by the Department. On June 26, 2001, respondents submitted their response to the Department's supplemental questionnaire, which consolidated all sales of subject merchandise and attributed all of the reported sales to Zhenxing as a result of Zhenxing's role in sales negotiations with both the related and unrelated importer. Because Baoding acted only as a shipping agent for Zhenxing in facilitating the exportation of subject merchandise to the United States, and because, in response to the Department's supplemental questionnaire, Baoding consolidated its previously reported ''own'' sales with those of Zhenxing (*See* Respondents'' supplemental questionnaire response dated June 26, 2001), we are preliminarily rescinding the review of Baoding.

Scope of Review

Imports covered by this review are all grades of sulfanilic acid, which include technical (or crude) sulfanilic acid, refined (or purified) sulfanilic acid and sodium salt of sulfanilic acid.

Sulfanilic acid is a synthetic organic chemical produced from the direct sulfonation of aniline with sulfuric acid. Sulfanilic acid is used as a raw material in the production of optical brighteners, food colors, specialty dyes, and concrete additives. The principal differences between the grades are the undesirable quantities of residual aniline and alkali insoluble materials present in the sulfanilic acid. All grades are available as dry, free flowing powders.

Technical sulfanilic acid, classifiable under the subheading 2921.42.22 of the Harmonized Tariff Schedule (HTS), contains 96 percent minimum sulfanilic acid, 1.0 percent maximum aniline, and 1.0 percent maximum alkali insoluble materials. Refined sulfanilic acid, also classifiable under the subheading 2921.42.22 of the HTS, contains 98 percent minimum sulfanilic acid, 0.5 percent maximum aniline and 0.25 percent maximum alkali insoluble materials.

Sodium salt (sodium sulfanilate), classifiable under the HTS subheading 2921.42.90, is a powder, granular or crystalline material which contains 75 percent minimum equivalent sulfanilic acid, 0.5 percent maximum aniline based on the equivalent sulfanilic acid content, and 0.25 percent maximum alkali insoluble materials based on the equivalent sulfanilic acid content.

Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Period of Review

The review period is August 1, 1999 through July 31, 2000.

Verification

As provided in section 782(i) of the Act, we verified information provided by the respondents using standard verification procedures, including on-site inspection of the manufacturer's facilities, and the examination of relevant sales and financial records.

Preliminary Rescission of Review With Respect to Yude

In the last administrative review, the Department did not reach the issue of whether to collapse Zhenxing and Yude due to our determination to assign the PRC-wide rate to Yude and Zhenxing as adverse facts available. *See Sulfanilic Acid from the People's Republic of China; Final Results of Administrative Review*, 66 FR 15837 (March 21, 2001) and accompanying Decision Memo at Comment 10, on file in the CRU. For purposes of this review, the Department did not analyze the issue of whether to collapse Yude and Zhenxing because we are rescinding the review with respect to Yude, as Yude did not export the subject merchandise to the United States during the POR.

Separate Rate Analysis for Zhenxing

It is the Department's standard policy to assign to all exporters of the merchandise subject to review in non-market economy countries a single rate, unless an exporter can affirmatively demonstrate an absence of government control, both in law (*de jure*) and in fact (*de facto*), with respect to exports. *See Mitsubishi Heavy Industries, Ltd.,* v. *U.S.*, 1999 CIT, Lexis 39, 54 F.Supp 2d 1183, Slip Op. 99–46 (1999). To establish whether a company is sufficiently independent to be entitled to a separate, company-specific rate, the Department analyzes each exporting entity in a non-market economy (''NME'') country under the test established in the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China*, 56 FR 20588 (May 6, 1991) (''*Sparklers*''), as amplified by the *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China*, 59 FR 22585 (May 2, 1994) (''*Silicon Carbide*''). Evidence supporting, though not requiring, a finding of *de jure* absence of government control includes: (1) An absence of restrictive stipulations associated with an individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of companies; or (3) any other

formal measures by the government decentralizing control of companies. *De facto* absence of government control with respect to exports is based on four criteria: (1) Whether the export prices are set by or subject to the approval of a government authority; (2) whether each exporter retains the proceeds from its sales and makes independent decisions regarding the disposition of profits and financing of losses; (3) whether each exporter has autonomy in making decisions regarding the selection of management; and (4) whether each exporter has the authority to sign contracts and other agreements.

Zhenxing and Baoding both initially requested separate, company-specific rates. However, since we are preliminarily rescinding the review with respect to Baoding, we have only analyzed the separate rate claim made by Zhenxing. In its questionnaire response, Zhenxing stated that it is an independent legal entity.

1. Absence of De Jure Control

With respect to the absence of *de jure* government control over the export activities of Zhenxing, evidence on the record indicates that Zhenxing is not controlled by the government. In its questionnaire response, Zhenxing stated that it is an independent legal entity. Zhenxing submitted evidence of its legal right to set prices independent of all government oversight. The business license and customs registration certificate of Zhenxing also indicate that it is a joint venture and is permitted to engage in the exportation of sulfanilic acid. We find no evidence of *de jure* government control restricting Zhenxing from the exportation of sulfanilic acid.

2. Absence of De Facto Control

With respect to the absence of *de facto* control over export activities, the information provided and reviewed at verification indicates that the management of Zhenxing, itself, is responsible for the determination of export prices, profit distribution, marketing strategy, and contract negotiations. Our analysis indicates that there is no government involvement in the daily operations or the selection of management for this company. In addition, we have found that the respondent's pricing and export strategy decisions are not subject to any outside entity's review or approval, and that there are no governmental policy directives that affect these decisions.

There are no restrictions on Zhenxing's use of its export earnings. The company's general manager has the right to negotiate and enter into contracts and may delegate this authority to other company employees. There is no evidence that this authority is subject to any level of governmental approval. Zhenxing has stated that its management is selected by the general manager in consultation with its board of directors and that there is no government involvement in this selection process.

Consequently, because evidence on the record indicates an absence of government control, both in law and in fact, over its export activities, we preliminarily determine that a separate rate should be applied to Zhenxing. For further discussion of the Department's preliminary determination regarding the issuance of separate rates, *see* Separate Rates Decision Memorandum for Barbara Tillman, Director, Office of AD/CVD Enforcement VII, dated August 31, 2001. A public version of this memorandum is on file in the CRU.

United States Price

Zhenxing reported as constructed export price (''CEP'') the U.S. sales made by PHT on behalf of Zhenxing, and as export price (''EP'') the U.S. sales made to an unaffiliated U.S. importer. We calculated CEP based on FOB prices to unaffiliated purchasers in the United States. We made deductions for foreign inland freight, foreign brokerage and handling, ocean freight, marine insurance, U.S. customs duties, U.S. transportation, credit, warehousing, repacking in the United States, indirect selling expenses, including inventory carrying costs, and constructed export price profit, as appropriate, in accordance with sections 772(c) and (d) of the Act.

The EP calculation for Zhenxing's sales to an unaffiliated importer is in accordance with section 772(a) of the Act, and is based on packed FOB, or where appropriate, C&F prices to the first unaffiliated purchaser in the United States. Where appropriate, we made deductions from the starting price (gross unit price) for inland freight from the plant to the port of exportation, ocean freight, marine insurance, and any brokerage and handling charges incurred by Zhenxing.

For those domestic factors provided by NME companies and used in the calculation of Zhenxing's CEP and EP sales (such as inland freight, insurance, brokerage and handling), we valued those factors using surrogate rates from India. Where appropriate, we calculated expenses which were incurred in U.S. dollars based on the actual U.S. dollar amounts paid for such expenses.

Normal Value

Section 773(c)(1) of the Act provides that the Department shall determine normal value (''NV'') using a factors of production methodology if (1) the merchandise is exported from a non-market economy (NME) country, and (2) the available information does not permit the calculation of NV using home-market prices, third-country prices, or constructed value under section 773(a) of the Act.

In every case conducted by the Department involving the PRC, the PRC has been treated as an NME country. Pursuant to section 771(18)(C)(i), any determination that a foreign country is an NME country shall remain in effect until revoked by the administering authority. None of the parties to this proceeding has contested such treatment in this review. Accordingly, we treated the PRC as an NME country for purposes of this review and calculated NV by valuing the factors of production as set forth in section 773(c)(3) of the Act in a comparable market economy country which is a significant producer of comparable merchandise. Pursuant to section 773(c)(4) of the Act, we determined that India is comparable to the PRC in terms of per capita gross national product (''GNP''), the growth rate in per capita GNP, and the national distribution of labor; and that India is a significant producer of comparable merchandise. The Department has selected India as the surrogate country in the investigation and all prior administrative reviews of this order. *See Final Determination of Sales at Less Than Fair Value: Sulfanilic Acid from the People's Republic of China,* 57 FR 9409, 9412 (March 18, 1992). For further discussion of the Department's selection of India as the primary surrogate country, *see* Memorandum from Jeffrey May, Director, Office of Policy, to Barbara Tillman, Director, Office of AD/CVD Enforcement VII, dated June 11, 2001; ''Surrogate Values Memorandum'' dated August 31, 2001; and the Preliminary Analysis Memorandum dated August 31, 2001, which are on file in the CRU.

For purposes of calculating NV, we valued PRC factors of production in accordance with section 773(c)(1) of the Act. In examining surrogate values, we selected, where possible, the publicly available value which was: (1) An average non-export value; (2) representative of a range of prices within the POR or most contemporaneous with the POR; (3) product-specific; and (4) tax-exclusive. For those surrogate values not

contemporaneous with the POR, we adjusted for inflation where appropriate, using the Indian wholesale price indices (WPI) and U.S. producer price indices (PPI) published in the IMF's International Financial Statistics. When necessary, we adjusted the values for certain inputs reported in *Chemical Weekly* to exclude sales and excise taxes. In accordance with our practice, we added to CIF import values from India a surrogate inland freight cost using a simple average of the reported distances from either the closest PRC port to the factory, or from the domestic input supplier to the factory. *See Final Determination of Sales at Less than Fair Value: Certain Cut-to-Length Carbon Steel Plate from the People's Republic of China,* 62 FR 61964 at 61977 (November 20, 1997). In accordance with this methodology, we valued the factors of production as follows:

To value aniline used in the production of sulfanilic acid, we used the rupee per kilogram value for sales in India during the POR as reported in *Chemical Weekly,* excluding any amounts assessed for the Indian excise tax and sales tax. We made adjustments to include costs incurred for freight between the Chinese aniline suppliers and the Zhenxing factory, or the Zhenxing factory to the port, as appropriate.

The surrogate freight rates used in the calculation of transportation costs for material inputs and subject merchandise were based on price quotes for truck freight rates from six different Indian trucking companies which were used in the *Final Determination of Sales at Less than Fair Value: Bulk Aspirin from the People's Republic of China,* 65 FR 33805 (May 25, 2000) (*Bulk Aspirin*). We used rail freight rates also from *Bulk Aspirin* that were quoted by two Indian rail freight transporters. Both the trucking and rail freight rates were contemporaneous with the POR and therefore, not inflated.

To value sulfuric acid used in the production of sulfanilic acid, we used the rupee per kilogram value for sales in India during the POR as reported in *Chemical Weekly,* excluding the amounts assessed for the Indian excise tax and the Maharastra sales tax. We made additional adjustments to include costs incurred for freight between the Chinese sulfuric acid supplier and the Zhenxing factory in the PRC.

To value sodium bicarbonate used in the production of sodium sulfanilate, we used the rupee per kilogram value for sales in India during the POR as reported in *Chemical Weekly,* excluding the amounts assessed for the Indian excise tax and the Maharastra sales tax. We made additional adjustments to include costs incurred for freight between the Chinese sodium bicarbonate supplier and Zhenxing factory in the PRC.

Consistent with our final results in the 1997–1998 administrative review (*see Sulfanilic Acid from the People's Republic of China; Final Results of Administrative Review,* 65 FR 13366 (March 13, 2000), we used public price quotes to value activated carbon, which are specific to the type and grade of activated carbon used in the production of sulfanilic acid. *See* NFC's Initial Submission of Surrogate Value Information dated August 17, 2001. We made adjustments to include costs incurred for inland freight between the Chinese activated carbon supplier and Zhenxing's factory in the PRC.

To value the inner and outer bags used as packing materials, we used import information from *Indian Import Statistics* for the period April 1998–March 1999. Using the Indian rupee wholesale prices index (WPI) data obtained from *International Financial Statistics,* we adjusted these values to account for inflation in India during the POR. We adjusted these values to include freight costs incurred between the Chinese plastic bag suppliers and Zhenxing's factory in the PRC.

To value coal, we used the price of steam coal in 1996 for industries in India as reported in *Energy, Prices and Taxes, First Quarter 1999* published by the International Energy Agency. This price was adjusted for inflation to be concurrent with the POR and has been placed on the record of this review.

To value electricity, we used the price of industrial electricity in India in 1997 reported in *Energy, Prices, and Taxes, First Quarter 1999* published by the International Energy Agency. This price was adjusted for inflation to be concurrent with the POR.

The Department's regulations, at 19 CFR 351.408(c)(3), state that ''[f]or labor, the Secretary will use regression-based wage rates reflective of the observed relationship between wages and national income in market economy countries. The Secretary will calculate the wage rate to be applied in nonmarket economy proceedings each year. The calculation will be based on current data, and will be made available to the public.'' To value the factor inputs for labor, we used the wage rates calculated for the PRC in the Department's ''Expected Wages of Selected Non-Market Economy Countries—1998 Income Data'' as updated in May 2000, and made public by the Department on its world-wide web site for Import Administration at *www.ia.ita.doc.gov.*

Following our practice from prior administrative reviews of sulfanilic acid from the PRC, for factory overhead, we used information reported in the January 1997, *Reserve Bank of India Bulletin* (''*Bulletin*''). From this information, we were able to determine factory overhead as a percentage of total cost of manufacturing.

To value brokerage and handling, we used the average of the foreign brokerage and handling expenses reported in the U.S. sales listing of the questionnaire response submitted in *Certain Stainless Steel Wire Rod From India; Preliminary Results of Antidumping Duty Administrative and New Shipper Reviews* (63 FR 48184, September 9, 1998). This average value was used in prior reviews of the crawfish antidumping duty order. *See,* for example, *Notice of Preliminary Results of Antidumping Duty Administrative Review and New Shipper Reviews, Partial Rescission of the Antidumping Duty Administrative Review, and Rescission of a New Shipper Review: Freshwater Crawfish Tail Meat From the People's Republic of China,* 65 FR 60399 (October 11, 2000). We adjusted the value for brokerage and handling for inflation during the POR using Indian rupee WPI data published by the IMF.

To value marine insurance, we used marine insurance data collected in the *Tenth Administrative Review of Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China (TRBs X). See, Memorandum to the File: Marine Insurance Rates* (June 30 1998). We adjusted this value for inflation during the POR using the U.S. dollar PPI data published by the IMF.

To value ocean freight, we used a value for ocean freight provided by the Federal Maritime Commission used in the *Final Determination of the Antidumping Administrative Review of Sebacic Acid from the PRC,* 62 FR 65674 (December 15, 1997). We adjusted the value for ocean freight for inflation during the POR using the U.S. dollar PPI data published by the IMF.

For selling, general and administrative (SG&A) expenses, we used information obtained from the January 1997 *Bulletin.* We calculated an SG&A rate by dividing SG&A expenses as reported in the *Bulletin* by the cost of manufacturing.

Finally, to calculate a profit rate, we used information obtained from the January 1997 *Bulletin.* We calculated a profit rate by dividing the before-tax profit by the sum of those components

pertaining to the cost of manufacturing plus SG&A as reported in the *Bulletin.*

For a complete discussion of the Department's selection of surrogate values and copies of source documents relating to their valuation, see the Department's ''Surrogate Values Memorandum'' dated August 31, 2001, and *NFC's Initial Submission of Surrogate Value Information,''* dated August 17, 2001.

Preliminary Results of the Review

We preliminarily determine the weighted average dumping margin for Zhenxing for the period August 1, 1999 through July 31, 2000 to be 54.50 percent.

Public Comment

Pursuant to 19 CFR 351.224(b), the Department will disclose to parties to the proceeding any calculations performed in connection with these preliminary results within five days after the date of publication of this notice. Pursuant to 19 CFR 351.309, interested parties may submit written comments in response to these preliminary results. Normally, case briefs are to be submitted within 30 days after the date of publication of this notice, and rebuttal briefs, limited to arguments raised in case briefs, are to be submitted no later than five days after the time limit for filing case briefs. However, for purposes of this review, the Department will notify parties of the schedule for submission of these briefs. Parties who submit arguments in this proceeding are requested to submit with the argument: (1) A statement of the issues, and (2) a brief summary of the argument. Case and rebuttal briefs must be served on interested parties in accordance with 19 CFR 351.303(f).

Also, pursuant to 19 CFR 351.310, within 30 days of the date of publication of this notice, interested parties may request a public hearing on arguments to be raised in the case and rebuttal briefs. Unless the Secretary specifies otherwise, the hearing, if requested, will be held two days after the date for submission of rebuttal briefs. Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than ten days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date case briefs are due. The Department will publish the final results of this administrative review, including the results of its analysis of issues raised in any case or rebuttal brief.

Duty Assessments and Cash Deposit Requirements

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Upon completion of this review, the Department will issue appraisement instructions directly to the Customs Service. Furthermore, the following deposit rates will be effective with respect to all shipments of sulfanilic acid from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this review, as provided for by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the reviewed company listed above will be the rate for that firm established in the final results of this review; (2) for companies previously found to be entitled to a separate rate and for which no review was requested, the cash deposit rate will be the rate established in the most recent review of that company; (3) for all other PRC exporters of subject merchandise, the cash deposit rate will be the PRC-wide rate of 85.20 percent; and (4) the cash deposit rate for non-PRC exporters of subject merchandise from the PRC will be the rate applicable to the PRC supplier of that exporter. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Notification of Interested Parties

This notice serves as a preliminary reminder to importers of their responsibility under section 351.402(f)(2) of the Department's regulations to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: August 31, 2001.

Bernard T. Carreau,

Acting Assistant Secretary for Import Administration.

[FR Doc. 01–22652 Filed 9–7–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–122–815]

Pure Magnesium and Alloy Magnesium From Canada: Final Results of Countervailing Duty Administrative Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of countervailing duty administrative reviews.

SUMMARY: On May 9, 2001, the Department of Commerce published in the **Federal Register** the preliminary results of the administrative reviews of the countervailing duty orders on pure magnesium and alloy magnesium from Canada for the period January 1, 1999 through December 31, 1999. We received no comments on the preliminary results of these reviews. The Department has now completed these reviews in accordance with section 751(a) of the Act. The final results do not differ from the preliminary results of these reviews. For information on the net subsidy rate of the reviewed company, as well as for all non-reviewed companies, see the Final Results of Reviews section of this notice. We will instruct the Customs Service to assess countervailing duties accordingly.

EFFECTIVE DATE: September 10, 2001.

FOR FURTHER INFORMATION CONTACT: Sally Hastings or Craig Matney, AD/CVD Enforcement, Office 1, Group I, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–3464 or (202) 482–1778, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions of section 751(a) of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act (''URAA''), effective January 1, 1995 (''the Act''). In addition, unless otherwise indicated, all citations to the Department of Commerce's (''the Department's'') regulations are to 19 CFR Part 351 (2000).

Background

On August 31, 1992, the Department published in the **Federal Register** the countervailing duty orders on pure magnesium and alloy magnesium from

Canada (57 FR 39392). The Department published the preliminary results of these administrative reviews on May 9, 2001 (*see Pure Magnesium and Alloy Magnesium From Canada: Preliminary Results of Countervailing Duty Administrative Reviews,* 66 FR 23669 (May 9, 2001)) (*''Preliminary Results''*).

In accordance with 19 CFR 351.213(b), the reviews of these orders cover those producers or exporters of the subject merchandise for which these reviews were specifically requested. Accordingly, these reviews cover only Norsk Hydro Canada, Inc. (''NHCI''), the sole producer or exporter of the subject merchandise for which a review was requested. The petitioner in these reviews is the Magnesium Corporation of America.

In the preliminary results of these reviews, the Department invited interested parties to comment on the results (*see Preliminary Results*). However, we received no comments. The Department did not conduct a hearing for these reviews because none was requested. The Department has now completed these reviews in accordance with section 751 of the Act.

Scope of the Orders

The products covered by these orders are pure and alloy magnesium from Canada. Pure magnesium contains at least 99.8 percent magnesium by weight and is sold in various slab and ingot forms and sizes. Magnesium alloys contain less than 99.8 percent magnesium by weight with magnesium being the largest metallic element in the alloy by weight, and are sold in various ingot and billet forms and sizes.

The pure and alloy magnesium are currently classifiable under items 8104.11.0000 and 8104.19.0000, respectively, of the *Harmonized Tariff Schedule of the United States* (''HTSUS''). Although the HTSUS subheadings are provided for convenience and customs purposes, the written descriptions of the merchandise subject to the orders are dispositive.

Secondary and granular magnesium are not included in the scope of these orders. Our reasons for excluding granular magnesium are summarized in *Preliminary Determination of Sales at Less Than Fair Value: Pure and Alloy Magnesium From Canada,* 57 FR 6094 (February 20, 1992).

Period of Review

The period of review for which we are measuring subsidies is from January 1, 1999 through December 31, 1999.

Final Results of Reviews

We have determined that no changes to our analysis are warranted for purposes of these final results. Therefore, in accordance with 19 CFR 351.221(b)(4)(i), we calculated an individual subsidy rate for each producer/exporter subject to these reviews. We will instruct the Customs Service (''Customs'') to assess countervailing duties as indicated below on all appropriate entries. For the period January 1, 1999 through December 31, 1999, we determine the net subsidy rate for the reviewed company to be as follows:

NET SUBSIDY RATE

Manufacturer/exporter	Percent
Norsk Hydro Canada, Inc.	1.21

The Department will also instruct Customs to collect cash deposits of estimated countervailing duties in the percentage detailed above on the f.o.b. invoice price on all shipments of the subject merchandise from NHCI entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of these reviews.

Because the URAA replaced the general rule in favor of a country-wide rate with a general rule in favor of individual rates for investigated and reviewed companies, the procedures for establishing countervailing duty rates, including those for non-reviewed companies, are now essentially the same as those in antidumping cases, except as provided for in section 777A(e)(2)(B) of the Act. The requested review will normally cover only those companies specifically named (*see* 19 CFR 351.213(b)). Pursuant to 19 CFR 351.212(c), for all companies for which a review was not requested, duties must be assessed at the cash deposit rate, and cash deposits must continue to be collected at the rate previously ordered. As such, the countervailing duty cash deposit rate applicable to a company can no longer change, except pursuant to a request for a review of that company. *See Federal-Mogul Corporation and The Torrington Company* v. *United States,* 822 F. Supp. 782 (CIT 1993) and *Floral Trade Council* v. *United States,* 822 F. Supp. 766 (CIT 1993). Therefore, the cash deposit rates for all companies except NHCI will be unchanged by the results of these reviews.

Accordingly, we will instruct Customs to continue to collect cash deposits for non-reviewed companies at the most recent company-specific or country-wide rate applicable to the company. Except for Timminco Limited, which was excluded from the orders in the original investigations, these rates were established in the first administrative proceeding conducted under the URAA. *See Final Results of the Second Countervailing Duty Administrative Reviews: Pure Magnesium and Alloy Magnesium from Canada,* 62 FR 48607 (September 16, 1997).

In addition, for the period January 1, 1999 through December 31, 1999, the assessment rates applicable to all non-reviewed companies covered by these orders are the cash deposit rates in effect at the time of entry, except for Timminco Limited (which was excluded from the orders in the original investigations).

This notice serves as a reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

These administrative reviews and notice are in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: August 31, 2001.

Bernard T. Carreau,

Acting Assistant Secretary for Import Administration.

[FR Doc. 01–22653 Filed 9–7–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–580–835]

Preliminary Results and Partial Rescission of Countervailing Duty Administrative Review: Stainless Steel Sheet and Strip in Coils From the Republic of Korea

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of countervailing duty administrative review.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the countervailing duty order on stainless steel sheet and strip in coils from the Republic of Korea for the period

November 17, 1998 through December 31, 1999. For information on the net subsidy for the reviewed company, please see the ''Preliminary Results of Review'' section of this notice. Interested parties are invited to comment on these preliminary results. (*See* the ''Public Comment'' section of this notice).

EFFECTIVE DATE: September 10, 2001.

FOR FURTHER INFORMATION CONTACT: Darla Brown or Tipten Troidl, Office of AD/CVD Enforcement VI, Import Administration, U.S. Department of Commerce, Room 4012, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–2786.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act (URAA) effective January 1, 1995 (the Act). In addition, unless otherwise indicated, all citations to the Countervailing Duty regulations are references to the provisions codified at 19 CFR part 351 (2001) (CVD Regulations).

Background

On August 6, 1999, the Department published in the **Federal Register** the countervailing duty order on stainless steel sheet and strip in coils from the Republic of Korea. *See Amended Final Determination: Stainless Steel Sheet and Strip in Coils from the Republic of Korea; and Notice of Countervailing Duty Orders: Stainless Steel Sheet and Strip from France, Italy and the Republic of Korea,* 64 FR 42923 (August 6, 1999). On August 16, 2000, the Department published an opportunity to request an administrative review of this countervailing duty order. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request an Administrative Review,* 65 FR 49962 (August 16, 2000). We received a timely request for review of Inchon Iron and Steel Co. (Inchon) and Sammi Steel Co. (Sammi), from petitioners. On October 2, 2000, the Department published ''Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part'' of the countervailing duty order on stainless steel sheet and strip in coils from the Republic of Korea, covering the period of review (POR) November 17, 1998 through December 31, 1999. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Rescission in Part with August Anniversary Dates,* 65 FR 58735 (October 2, 2000).

On September 15, 2000, Sammi provided the Department with a certification stating that neither it nor its affiliates exported the subject merchandise to the United States during the POR. Because there were no shipments of exports to the United States of the subject merchandise, the Department is preliminarily rescinding this administrative review with respect to Sammi.

In accordance with 19 CFR 351.213(b), this review covers only those producers or exporters for which a review was specifically requested. The company subject to this review is Inchon. This review covers 14 programs.

Scope of Review

For purposes of this review, the products covered are certain stainless steel sheet and strip in coils. Stainless steel is an alloy steel containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. The subject sheet and strip is a flat-rolled product in coils that is greater than 9.5 mm in width and less than 4.75 mm in thickness, and that is annealed or otherwise heat treated and pickled or otherwise descaled. The subject sheet and strip may also be further processed (*e.g.,* cold-rolled, polished, aluminized, coated, *etc.*) provided that it maintains the specific dimensions of sheet and strip following such processing.

The merchandise subject to this review is classified in the *Harmonized Tariff Schedule of the United States* (HTSUS) at subheadings: 7219.13.00.30, 7219.13.00.50, 7219.13.00.70, 7219.13.00.80, 7219.14.00.30, 7219.14.00.65, 7219.14.00.90, 7219.32.00.05, 7219.32.00.20, 7219.32.00.25, 7219.32.00.35, 7219.32.00.36, 7219.32.00.38, 7219.32.00.42, 7219.32.00.44, 7219.33.00.05, 7219.33.00.20, 7219.33.00.25, 7219.33.00.35, 7219.33.00.36, 7219.33.00.38, 7219.33.00.42, 7219.33.00.44, 7219.34.00.05, 7219.34.00.20, 7219.34.00.25, 7219.34.00.30, 7219.34.00.35, 7219.35.00.05, 7219.35.00.15, 7219.35.00.30, 7219.35.00.35, 7219.90.00.10, 7219.90.00.20, 7219.90.00.25, 7219.90.00.60, 7219.90.00.80, 7220.12.10.00, 7220.12.50.00, 7220.20.10.10, 7220.20.10.15, 7220.20.10.60, 7220.20.10.80, 7220.20.60.05, 7220.20.60.10, 7220.20.60.15, 7220.20.60.60, 7220.20.60.80, 7220.20.70.05, 7220.20.70.10, 7220.20.70.15, 7220.20.70.60, 7220.20.70.80, 7220.20.80.00, 7220.20.90.30, 7220.20.90.60, 7220.90.00.10, 7220.90.00.15, 7220.90.00.60, and 7220.90.00.80. Although the HTS subheadings are provided for convenience and Customs purposes, the Department's written description of the merchandise is dispositive.

Excluded from the scope of this order are the following: (1) Sheet and strip that is not annealed or otherwise heat treated and pickled or otherwise descaled, (2) sheet and strip that is cut to length, (3) plate (*i.e.,* flat-rolled stainless steel products of a thickness of 4.75 mm or more), (4) flat wire (*i.e.,* cold-rolled sections, with a prepared edge, rectangular in shape, of a width of not more than 9.5 mm), and (5) razor blade steel. Razor blade steel is a flat rolled product of stainless steel, not further worked than cold-rolled (cold-reduced), in coils, of a width of not more than 23 mm and a thickness of 0.266 mm or less, containing, by weight, 12.5 to 14.5 percent chromium, and certified at the time of entry to be used in the manufacture of razor blades. *See* Chapter 72 of the HTSUS, ''Additional U.S. Note'' 1(d).

The Department has determined that certain specialty stainless steel products are also excluded from the scope of this order. These excluded products are described below:

Flapper valve steel is defined as stainless steel strip in coils containing, by weight, between 0.37 and 0.43 percent carbon, between 1.15 and 1.35 percent molybdenum, and between 0.20 and 0.80 percent manganese. This steel also contains, by weight, phosphorus of 0.025 percent or less, silicon of between 0.20 and 0.50 percent, and sulfur of 0.020 percent or less. The product is manufactured by means of vacuum arc remelting, with inclusion controls for sulphide of no more than 0.04 percent and for oxide of no more than 0.05 percent. Flapper valve steel has a tensile strength of between 210 and 300 ksi, yield strength of between 170 and 270 ksi, plus or minus 8 ksi, and a hardness (Hv) of between 460 and 590. Flapper valve steel is most commonly used to produce specialty flapper valves in compressors.

Also excluded is a product referred to as suspension foil, a specialty steel product used in the manufacture of suspension assemblies for computer disk drives. Suspension foil is described as 302/304 grade or 202 grade stainless steel of a thickness between 14 and 127 microns, with a thickness tolerance of plus-or-minus 2.01 microns, and surface glossiness of 200 to 700 percent Gs. Suspension foil must be supplied in coil widths of not more than 407 mm, and

with a mass of 225 kg or less. Roll marks may only be visible on one side, with no scratches of measurable depth. The material must exhibit residual stresses of 2 mm maximum deflection, and flatness of 1.6 mm over 685 mm length.

Certain stainless steel foil for automotive catalytic converters is also excluded from the scope of this order. This stainless steel strip in coils is a specialty foil with a thickness of between 20 and 110 microns used to produce a metallic substrate with a honeycomb structure for use in automotive catalytic converters. The steel contains, by weight, carbon of no more than 0.030 percent, silicon of no more than 1.0 percent, manganese of no more than 1.0 percent, chromium of between 19 and 22 percent, aluminum of no less than 5.0 percent, phosphorus of no more than 0.045 percent, sulfur of no more than 0.03 percent, lanthanum of between 0.002 and 0.05 percent, and total rare earth elements of more than 0.06 percent, with the balance iron.

Permanent magnet iron-chromium-cobalt alloy stainless strip is also excluded from the scope of this order. This ductile stainless steel strip contains, by weight, 26 to 30 percent chromium, and 7 to 10 percent cobalt, with the remainder of iron, in widths 228.6 mm or less, and a thickness between 0.127 and 1.270 mm. It exhibits magnetic remanence between 9,000 and 12,000 gauss, and a coercivity of between 50 and 300 oersteds. This product is most commonly used in electronic sensors and is currently available under proprietary trade names such as ''Arnokrome III.'' [1]

Certain electrical resistance alloy steel is also excluded from the scope of this order. This product is defined as a non-magnetic stainless steel manufactured to American Society of Testing and Materials (ASTM) specification B344 and containing, by weight, 36 percent nickel, 18 percent chromium, and 46 percent iron, and is most notable for its resistance to high temperature corrosion. It has a melting point of 1390 degrees Celsius and displays a creep rupture limit of 4 kilograms per square millimeter at 1000 degrees Celsius. This steel is most commonly used in the production of heating ribbons for circuit breakers and industrial furnaces, and in rheostats for railway locomotives. The product is currently available under proprietary trade names such as ''Gilphy 36.'' [2]

Certain martensitic precipitation-hardenable stainless steel is also excluded from the scope of this order. This high-strength, ductile stainless steel product is designated under the Unified Numbering System (UNS) as S45500-grade steel, and contains, by weight, 11 to 13 percent chromium, and 7 to 10 percent nickel. Carbon, manganese, silicon and molybdenum each comprise, by weight, 0.05 percent or less, with phosphorus and sulfur each comprising, by weight, 0.03 percent or less. This steel has copper, niobium, and titanium added to achieve aging, and will exhibit yield strengths as high as 1700 Mpa and ultimate tensile strengths as high as 1750 Mpa after aging, with elongation percentages of 3 percent or less in 50 mm. It is generally provided in thicknesses between 0.635 and 0.787 mm, and in widths of 25.4 mm. This product is most commonly used in the manufacture of television tubes and is currently available under proprietary trade names such as ''Durphynox 17.'' [3]

Finally, three specialty stainless steels typically used in certain industrial blades and surgical and medical instruments are also excluded from the scope of this order. These include stainless steel strip in coils used in the production of textile cutting tools (*e.g.*, carpet knives).[4] This steel is similar to ASTM grade 440F, but containing, by weight, 0.5 to 0.7 percent of molybdenum. The steel also contains, by weight, carbon of between 1.0 and 1.1 percent, sulfur of 0.020 percent or less, and includes between 0.20 and 0.30 percent copper and between 0.20 and 0.50 percent cobalt. This steel is sold under proprietary names such as ''GIN4 HI–C.'' The second excluded stainless steel strip in coils is similar to AISI 420–J2 and contains, by weight, carbon of between 0.62 and 0.70 percent, silicon of between 0.20 and 0.50 percent, manganese of between 0.45 and 0.80 percent, phosphorus of no more than 0.025 percent and sulfur of no more than 0.020 percent. This steel has a carbide density on average of 100 carbide particles per square micron. An example of this product is ''GIN5'' steel. The third specialty steel has a chemical composition similar to AISI 420 F, with carbon of between 0.37 and 0.43 percent, molybdenum of between 1.15 and 1.35 percent, but lower manganese of between 0.20 and 0.80 percent, phosphorus of no more than 0.025 percent, silicon of between 0.20 and 0.50 percent, and sulfur of no more than 0.020 percent. This product is supplied with a hardness of more than Hv 500 guaranteed after customer processing, and is supplied as, for example, ''GIN6.''

Subsidies Valuation Information

Benchmarks for Long-term Loans: During the POR, Inchon had both won-denominated and foreign currency-denominated long-term loans outstanding which had been received from government-owned banks, Korean commercial banks, overseas banks, and foreign banks with branches in Korea.

In the *Final Negative Countervailing Duty Determination: Stainless Steel Plate in Coils from the Republic of Korea*, 64 FR 15530 (March 31, 1999) (*Plate in Coils*) and the *Final Affirmative Countervailing Duty Determination: Stainless Steel Sheet and Strip in Coils from the Republic of Korea*, 64 FR 30636 (June 8, 1999) (*Sheet and Strip*), the Department, for the first time, examined the Government of Korea (GOK)'s direction of credit policies for the period 1992 through 1997. Based on new information gathered during the course of those investigations, the Department determined that the GOK controlled directly or indirectly the lending practices of most sources of credit in Korea between 1992 and 1997. In the *Final Affirmative Countervailing Duty Determination: Certain Cut-to Length Carbon-Quality Steel Plate from the Republic of Korea*, 64 FR 73176, 73180 (December 29, 1999) (*CTL Plate*) the Department determined that the GOK still exercised substantial control over lending institutions in Korea during 1998. In addition, because no new factual information has been placed on the record, we preliminarily find direction of credit countervailable through 1999, which is the POR of this current administrative review.

Based on our findings on this issue in prior investigations, we are using the following benchmarks to calculate the subsidies attributable to respondents' long-term loans obtained in the years 1992 through 1999:

(1) For countervailable, foreign-currency denominated loans, we used, where available, the company-specific weighted-average U.S. dollar-denominated interest rates on the company's loans from foreign bank branches in Korea.

(2) For countervailable won-denominated long-term loans, where available, we used the company-specific corporate bond rate on the company's public and private bonds. We note that this benchmark is based on the decision in *Plate in Coils* in which we determined that the GOK did not control the Korean domestic bond market after 1991, and that domestic bonds may serve as an appropriate

[1] ''Arnokrome III'' is a trademark of the Arnold Engineering Company.

[2] ''Gilphy 36'' is a trademark of Imphy, S.A.

[3] ''Durphynox 17'' is a trademark of Imphy, S.A.

[4] This list of uses is illustrative and provided for descriptive purposes only.

benchmark interest rate (*see Plate in Coils*, 64 FR at 15531). Where unavailable, we used the national average of the yields on three-year corporate bonds, as reported by the Bank of Korea (BOK). We note that the use of the three-year corporate bond rate from the BOK follows the approach taken in *Plate in Coils*, in which we determined that, absent company-specific interest rate information, the corporate bond rate is the best indicator of a market rate for won-denominated long-term loans in Korea (*see Id.*).

Treatment of Subsidies Received by Trading Companies: We required responses from trading companies because the subject merchandise may be subsidized by means of subsidies provided to both the producer and the exporter of the subject merchandise. Subsidies conferred on the production and exportation of subject merchandise benefit the subject merchandise even if the merchandise is exported to the United States by a trading company rather than by the producer itself. Therefore, the Department calculates countervailable subsidy rates on the subject merchandise by cumulating subsidies provided to the producer with those provided to the exporter. During the POR, Inchon exported subject merchandise to the United States through a trading company, Hyundai Corporation (Hyundai). We required the trading company to provide a response to the Department with respect to the export subsidies under review.

Under section 351.107(b)(1) of the Department's regulations, when the subject merchandise is exported to the United States by a company that is not the producer of the merchandise, the Department may establish a ''combination'' rate for each combination of an exporter and supplying producer. However, as noted in the Preamble to the Final Regulations, there may be situations in which it is not appropriate or practicable to establish combination rates when the subject merchandise is exported by a trading company. *See Antidumping Duties; Countervailing Duties; Final rule*, 62 FR 27296, 27303 (May 19, 1997). In such situations, the Department will make exceptions to its combination rate approach on a case-by-case basis. *See Id.*

Preliminarily, we determined that it is not appropriate to establish combination rates. This determination is based on two main facts: first, the majority of the subsidies conferred upon the subject merchandise were received by the producer; second, the level of subsidies conferred upon the individual trading company with regard to the subject merchandise is insignificant.

Instead, we have continued to calculate a rate for the producer of subject merchandise that includes the subsidies received by the trading company. To reflect those subsidies that are received by the exporter of the subject merchandise in the calculated *ad valorem* subsidy rate, we calculated the benefit attributable to the subject merchandise. We then factored that amount into the calculated subsidy rate for the relevant producer. In each case, we determined the benefit received by the trading company for each export subsidy, and weighted the average of the benefit amounts by the relative share of the trading company's value of exports of the subject merchandise to the United States. These calculated *ad valorem* subsidies were then added to the subsidies calculated for the producer of subject merchandise. Thus, for each of the programs below, the listed *ad valorem* subsidy rate includes countervailable subsidies received by both the producer and the trading company.

I. Programs Conferring Subsidies

A. The GOK's Direction of Credit

We determined in the *Final Affirmative Countervailing Duty Determination: Structural Steel Beams from the Republic of Korea*, 65 FR 41051 (July 3, 2000) (*H-beams*), that the provision of long-term loans via the GOK's direction of credit policies was specific to the Korean steel industry through 1991 within the meaning of section 771(5A)(D)(iii) of the Act. In *H-beams*, we also determined that the provision of these long-term loans through 1991 resulted in a financial contribution, within the meaning of sections 771(5)(E)(ii) and 771(5)(D)(i) of the Act, respectively.

In *H-beams*, the Department also determined that the GOK continued to control directly and indirectly the lending practices of most sources of credit in Korea through 1997. The Department determined in *H-beams* that the GOK's regulated credit from domestic commercial banks and government-controlled banks such as the Korea Development Bank (KDB) was specific to the steel industry. Further the Department determined in this investigation that these regulated loans conferred a benefit on the producer of the subject merchandise to the extent that the interest rates on these loans were less than the interest rates on comparable commercial loans within the meaning of section 771(5)(E)(ii) of the Act. In the final determination of *CTL Plate*, the Department determined that the GOK continued to control, directly and indirectly, the lending practices of sources of credit in Korea in 1998. *See CTL Plate*, 64 FR at 73180.

We provided the GOK with the opportunity to present new factual information concerning the government's credit policies through 1999, the POR, which we would consider along with our finding in the prior investigations. The GOK did not provide any new factual information on this program that would lead us to change our determination in the current administrative review. Therefore, we continue to find lending from domestic banks and from government-owned banks such as the KDB to be countervailable.

With respect to foreign sources of credit, in *Plate in Coils* and *Sheet and Strip*, we determined that access to foreign currency loans from Korean branches of foreign banks (*i.e.*, branches of U.S.-owned banks operating in Korea) did not confer a benefit to the recipient as defined by section 771(5)(E)(ii) of the Act, and, as such, credit received by the respondent from these sources was found not countervailable. This determination was based upon the fact that credit from Korean branches of foreign banks was not subject to the government's control and direction. Thus, in *Plate in Coils* and *Sheet and Strip*, we determined that respondent's loans from these banks could serve as an appropriate benchmark to establish whether access to regulated foreign sources of credit conferred a benefit on respondents. As such, lending from this source continues to be not countervailable, and, where available, loans from Korean branches of foreign banks continue to serve as an appropriate benchmark to establish whether access to regulated foreign currency loans from domestic banks confers a benefit upon respondents.

Inchon received long-term fixed and variable rate loans from GOK owned/controlled institutions during the years 1993 through 1999 that were outstanding during the POR. In order to determine whether these GOK directed loans conferred a benefit, we compared the interest rates on the directed loans to the benchmark interest rates detailed in the ''Subsidies Valuation Information'' section of this notice.

The repayment schedules of these loans did not remain constant during the lives of the respective loans. Therefore, in these preliminary results, we have calculated the benefit from these loans using the Department's variable rate methodology. We first derived the benefit amounts attributable

to the POR for the company's fixed and variable rate loans, we then summed the benefit amounts from the loans and divided the total benefit by Inchon's total f.o.b. sales value during the POR. On this basis, we preliminarily determine the net countervailable subsidy to be 0.06 percent *ad valorem* for Inchon.

B. Article 17 of the Tax Exemption and Reduction Control Act (TERCL): Reserve for Overseas Market Development

Under Article 17 of the TERCL, a domestic person engaged in a foreign trade business is allowed to establish a reserve fund equal to one percent of its foreign exchange earnings from its export business for the respective tax year. Expenses incurred in developing overseas markets may be offset by returning from the reserve, to the income account, an amount equivalent to the expense. Any part of the fund that is not placed in the income account for the purpose of offsetting overseas market development expenses must be returned to the income account over a three-year period, after a one-year grace period. The balance of this reserve fund is not subject to corporate income tax during the grace period. However, all of the money in the reserve is eventually reported as income and subject to corporate tax either when it offsets export losses or when the grace period expires. The deferral of taxes owed amounts to an interest-free loan equal to the company's tax savings. This program is only available to exporters. Although Inchon did not use this program during the POR, it exported subject merchandise through Hyundai, which used this program during the POR.

In *CTL Plate,* 64 FR at 73181, we determined that the Reserve for Overseas Market Development program constituted a countervailable export subsidy under section 771(5A)(B) of the Act because use of the program is contingent upon export performance. Respondents have not provided any new information to warrant reconsideration of this determination. Therefore, we continue to find this program countervailable.

To determine the benefit conferred by this program, we calculated the tax savings by multiplying the balance amount of the reserve as of December 31, 1999, by the corporate tax rate for 1999. We treated the tax savings on these funds as a short-term interest-free loan. Accordingly, to determine the benefit, the amount of tax savings was multiplied by the Hyundai's weighted-average interest rate for short-term won-denominated commercial loans for the POR. Using the methodology for calculating subsidies received by trading companies, which also is detailed in the ''Subsidies Valuation Information'' section of this notice, we calculate a countervailable subsidy of less than 0.005 percent *ad valorem* for Inchon.

C. Electricity Discounts Under the Requested Load Adjustment Program (RLA)

With respect to the Requested Load Adjustment (RLA) program, the GOK introduced this discount in 1990, to address emergencies in KEPCO's ability to supply electricity. Under this program, customers with a contract demand of 5,000 kW or more, who can curtail their maximum demand by 20 percent or suppress their maximum demand by 3,000 kW or more, are eligible to enter into a RLA contract with KEPCO. Customers who choose to participate in this program must reduce their load upon KEPCO's request, or pay a surcharge to KEPCO.

Customers can apply for this program between May 1 and May 15 of each year. If KEPCO finds the application in order, KEPCO and the customer enter into a contract with respect to the RLA discount. The RLA discount is provided based upon a contract for two months, normally July and August. Under this program, a basic discount of 440 won per kW is granted between July 1 and August 31, regardless of whether KEPCO makes a request for a customer to reduce its load. During the POR, KEPCO granted Inchon electricity discounts under this program.

In *Sheet and Strip,* the Department found this program countervailable under section 771(5A)(D)(iii)(I) of the Act because the discounts were distributed to a limited number of customers (*see Sheet and Strip,* 64 FR at 30646). Respondents have not provided any new information to warrant reconsideration of this determination. Therefore, we continue to find this program countervailable.

Because the electricity discounts provide recurring benefits, we have expensed the benefit from this program in the year of receipt. To measure the benefit from this program, we summed the electricity discounts which Inchon received from KEPCO under the RLA program during the POR. We then divided that amount by Inchon's total f.o.b. sales value for 1999. On this basis, we determine a net countervailable subsidy of less than 0.005 percent *ad valorem* for Inchon.

D. POSCO's Provision of Steel Inputs for Less Than Adequate Remuneration

POSCO is the only Korean producer of hot-rolled stainless steel coil (hot-rolled coil), which is the main input into the subject merchandise. During the POR, POSCO sold hot-rolled coil to Inchon for products that were consumed in Korea, as well as hot-rolled coil to produce exports of the subject merchandise. In *CTL Plate,* the Department determined that the GOK through its ownership and control of POSCO set prices of steel inputs used by the Korean steel industry at prices at less than adequate remuneration (*see CTL Plate,* 64 FR at 73184). Thus, in *CTL Plate,* the Department found this program countervailable.

Respondent claims that in May 1999, POSCO eliminated it's two-tiered pricing system and established unit prices applicable for sales to all customers. Prior to that period, POSCO set different prices depending on whether the input was to be used to produce products for domestic consumption or export consumption. However, this change in pricing policies does not impact the determination made by the Department in *CTL Plate* (*see id.* at 73184–85). In *CTL Plate,* the Department did not determine that the difference in pricing between domestic and export consumption constituted a countervailable subsidy. Instead, the Department found that the prices charged by POSCO were for less than adequate remuneration (*see id.* at 73185). Therefore, the fact that POSCO now only charges one price to the Korean steel industry for steel inputs does not affect the determination as to whether a good or service has been provided for less than adequate remuneration. The Department must still examine the prices charged to Inchon by POSCO for hot roiled coil to determine whether the prices are still for less than adequate remuneration.

Under section 351.511(a)(2) of the CVD Regulations, the adequacy of remuneration is to be determined by comparing the government price to a market determined price based on actual transactions in the country in question. Such prices could include prices stemming from actual transactions between private parties, actual imports, or, in certain circumstances, actual sales from competitively run government auctions. During the POR, Inchon imported hot-rolled coil; therefore, we are using actual imported prices of hot-rolled coil as our basis of comparison to the price at which POSCO sold hot-rolled coil. Based upon this comparison, we

preliminarily determined that POSCO sold hot-rolled coil to Inchon at less than adequate remuneration. As a result, a benefit is conferred to Inchon under section 771(5)(E)(iv); therefore, we continue to find this program countervailable.

To determine the value of the benefit under this program, we compared the quarterly delivered weighted-average price charged by POSCO to Inchon for hot-rolled coils to the quarterly delivered weighted-average price Inchon paid for imported hot-rolled coil, by grade of hot-rolled coil, making due allowance for factors affecting comparability. We then multiplied this price difference by the quantity of hot-rolled coil that Inchon purchased from POSCO during the POR. We then divided the amount of the price savings by the f.o.b. sales value of merchandise produced using hot-rolled coils. On this basis, we determine that Inchon received a countervailable subsidy of 2.87 percent *ad valorem* from this program during the POR.

Respondents state that after the POR, on September 29, 2000, the privatization of POSCO was completed. As a result, they claim that this privatization of POSCO qualifies as a program-wide change pursuant to section 351.526 of the CVD Regulations. Under this regulation, the Department may adjust the CVD cash deposit rate to account for changes in the administration of a program under very specific circumstances. In accordance with Section 351.526 of the CVD Regulations, we preliminarily find that the privatization or a change in ownership of POSCO does not qualify as a program-wide change. If requested in any subsequent administrative review, we will examine the effect of POSCO's alleged privatization on this program.

II. Programs Determined To Be Not Used

A. Article 16 of the TERCL: Reserve for Export Loss

B. *Investment Tax Credits under Article 10, 18, 25, 26, 27 and 71 of TERCL*

C. *Loans from the National Agricultural Cooperation Federation*

D. *Tax Incentives for Highly-Advanced Technology Businesses under the Foreign Investment and Foreign Capital Inducement Act*

E. *Reserve for Investment under Article 43–5 of TERCL*

F. *Export Insurance Rates Provided by the Korean Export Insurance Corporation*

G. *Special Depreciation of Assets on Foreign Exchange Earnings*

H. *Excessive Duty Drawback*

I. *Short-Term Export Financing*

J. *Export Industry Facility Loans*

Preliminary Results of Review

In accordance with 19 CFR 351.221(b)(4)(i), we calculated an individual subsidy rate for the producer/exporter subject to this administrative review. For the period November 17, 1998, through December 31, 1999, we preliminarily determine the net subsidy for Inchon to be 2.93 percent *ad valorem.*

If the final results of this review remain the same as these preliminary results, the Department intends to instruct Customs to assess countervailing duties as indicated above. The Department also intends to instruct Customs to collect cash deposits of estimated countervailing duties as indicated above of the f.o.b. invoice price on all shipments of the subject merchandise from reviewed companies, entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

Because the URAA replaced the general rule in favor of a country-wide rate with a general rule in favor of individual rates for investigated and reviewed companies, the procedures for establishing countervailing duty rates, including those for non-reviewed companies, are now essentially the same as those in antidumping cases, except as provided for in section 777A(e)(2)(B) of the Act. The requested review will normally cover only those companies specifically named. *See* 19 CFR 351.213(b). Pursuant to 19 CFR 351.212(c), for all companies for which a review was *not* requested, duties must be assessed at the cash deposit rate, and cash deposits must continue to be collected, at the rate previously ordered. As such, the countervailing duty cash deposit rate applicable to a company can no longer change, except pursuant to a request for a review of that company. *See Federal-Mogul Corporation and The Torrington Company* v. *United States,* 822 F.Supp. 782 (CIT 1993) and *Floral Trade Council* v. *United States,* 822 F.Supp. 766 (CIT 1993) (interpreting 19 CFR 353.22(e), the antidumping regulation on automatic assessment, which is identical to 19 CFR 351.212(c)(ii)(2). Therefore, the cash deposit rates for all companies except those covered by this review will be unchanged by the results of this review.

We will instruct Customs to continue to collect cash deposits for non-reviewed companies at the most recent company-specific or country-wide rate applicable to the company. Accordingly, the cash deposit rates that will be applied to non-reviewed companies covered by this order will be the rate for that company established in the most recently completed administrative proceeding conducted under the URAA. If such a review has not been conducted, the rate established in the most recently completed administrative proceeding pursuant to the statutory provisions that were in effect prior to the URAA amendments is applicable. *See Final Affirmative Countervailing Duty Determination: Stainless Steel Sheet and Strip in Coils from the Republic of Korea,* 64 FR 30636 (June 8, 1999). These rates shall apply to all non-reviewed companies until a review of a company assigned these rates is requested. In addition, for the period November 17, 1998 through December 31, 1999, the assessment rates applicable to all non-reviewed companies covered by this order are the cash deposit rates in effect at the time of entry.

Public Comment

Pursuant to 19 CFR 351.224(b), the Department will disclose to parties to the proceeding any calculations performed in connection with these preliminary results within five days after the date of the public announcement of this notice. Pursuant to 19 CFR 351.309, interested parties may submit written comments in response to these preliminary results. Unless otherwise indicated by the Department, case briefs must be submitted within 30 days after the date of publication of this notice, and rebuttal briefs, limited to arguments raised in case briefs, must be submitted no later than five days after the time limit for filing case briefs, unless otherwise specified by the Department. Parties who submit argument in this proceeding are requested to submit with the argument: (1) A statement of the issue, and (2) a brief summary of the argument. Parties submitting case and/or rebuttal briefs are requested to provide the Department copies of the public version on disk. Case and rebuttal briefs must be served on interested parties in accordance with 19 CFR 351.303(f). Also, pursuant to 19 CFR 351.310, within 30 days of the date of publication of this notice, interested parties may request a public hearing on arguments to be raised in the case and rebuttal briefs. Unless the Secretary specifies otherwise, the hearing, if requested, will be held two days after the date for submission of rebuttal briefs, that is, thirty-seven days after the date of publication of these preliminary results.

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs, under 19 CFR 351.309(c)(ii), are due. The Department will publish the final results of this administrative review, including the results of its analysis of issues raised in any case or rebuttal brief or at a hearing.

This administrative review is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act (19 U.S.C. 1675(a)(1) and 19 U.S.C. 1677f(i)(1)).

Dated: August 31, 2001.

Bernard T. Carreau,

Acting Assistant Secretary for Import Administration.

[FR Doc. 01–22650 Filed 9–7–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 080701E]

Proposed Information Collection; Comment Request; Northwest Region Gear Identification Requirements; Correction

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce published a notice of proposed information collection on August 10, 2001. This notice makes a correction to that document.

SUPPLEMENTARY INFORMATION:

Need for Correction

In the August 10, 2001, issue of the **Federal Register** (FR Doc. 01–20118) ''Proposed Information Collection; Comment Request; Northeast Region Gear Identification Requirements,'' the title should have read ''Proposed Information Collection; Comment Request; Northwest Region Gear Identification Requirements.'' All other information remains unchanged.

Dated: August 31, 2001.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 01–22639 Filed 9–7–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Availability of Great Lakes Coastal Restoration Grants Implementation Plan

AGENCY: National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

ACTION: Notice of availability of Great Lakes Coastal Restoration Grants Implementation Plan.

SUMMARY: Notice is hereby given of the availability of the Great Lakes Coastal Restoration Grants Implementation Plan. The Commerce, State, Justice Appropriations Act for 2001 created the Great Lakes Coastal Restoration Grants program. This program provides funding for competitive matching grants to state and local governments for community based coastal restoration activities in the Great Lakes region. As required, the National Oceanic and Atmospheric Administration (NOAA) developed an implementation plan for this program, and submitted it to Congress on May 31, 2001.

The Great Lakes Coastal Restoration Grants Implementation Program will direct approximately $30 million for matching grants to be awarded competitively to state agencies and local governments to undertake coastal and water quality restoration projects in the Great Lakes region. Other entities such as regional organizations and nonprofit groups are not eligible to receive funds directly, but are eligible to receive pass through funding from state agencies or local governments. The eligible states are Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin. These states will each receive a portion of the funds to support a competitive funding program. The funding levels are based on the Coastal Zone Management Act allocation formula, and are as follows: Illinois ($1,750,000); Indiana ($1,750,000); Michigan ($7,000,000); Minnesota ($1,938,000); New York ($4,727,000); Ohio ($4,489,000); Pennsylvania ($1,846,000); Wisconsin ($5,686,000). The statute requires matching grants but does not specify an amount. For this year, the match ratio is 4:1.

Each state will run a public competitive process to select eligible projects. At least fifty percent of a state's allocation should be directed to local government projects. The other specifics of the process, including timing and final project selection, are left up to individual states. States are encouraged to utilize these funds to address restoration priorities identified in existing plans such as Coastal Management Plans and Remedial Action Plans. Proposals funded under this program should be consistent with a Great Lakes State's approved coastal management program under section 306 of the Coastal Zone Management Act (CZMA). Absent an approved program, projects must be consistent with the CZMA. Restoration projects eligible for funding include contaminated site cleanup, stormwater controls, wetland restoration, acquisition of greenways and buffers, and other projects designed to control polluted runoff and protect and restore coastal resources. States may use up to five percent of their allotments to cover the administrative expenses of implementing the program.

Copies of the Great Lakes Coastal Restoration Grants Implementation Plan can be found on the NOAA website at *http://www.ocrm.nos.noaa.gov/cpd* or may be obtained upon request from: Joseph Flanagan, Coastal Programs Division (N/ORM3), Office of Ocean and Coastal Resource Management, NOS, NOAA, 1305 East-West Highway, Silver Spring, Maryland, 20910, tel. 301–713–3155, extension 201, e-mail *joseph.flanagan@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: John King, Acting Chief, Coastal Programs Division (N/ORM3), Office of Ocean and Coastal Resource Management, NOS, NOAA, 1305 East-West Highway, Silver Spring, Maryland, tel. 301–713–3155 extension 195, e-mail *john.king@noaa.gov.*

(Catalog of Federal Domestic Assistance Numbers: 11.419 for NOAA Coastal Zone Management Program Administration)

Dated: September 4, 2001.

Jamison S. Hawkins,

Deputy Assistant Administrator, Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, Department of Commerce.

[FR Doc. 01–22587 Filed 9–7–01; 8:45 am]

BILLING CODE 3510–08–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 090401B]

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene a public meeting of the Reef Fish Stock Assessment Panel (RFSAP).

DATES: This meeting will begin at 9 a.m. on Monday, September 24, and conclude by 12 noon on Friday, September 28, 2001.

ADDRESSES: The meeting will be held at NMFS Southeast Fisheries Science Center, 75 Virginia Beach Drive, Miami, FL.

FOR FURTHER INFORMATION CONTACT: Peter Hood, Fishery Biologist, Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619; telephone: 813–228–2815.

SUPPLEMENTARY INFORMATION: The RFSAP will convene to review stock assessments on the status of the gag, vermilion snapper, and gray triggerfish stocks in the Gulf of Mexico. These stock assessments were prepared by NMFS and will be presented to the RFSAP. In the Report to Congress on the Status of Fisheries in the United States prepared by NMFS in January 2001, gag and vermilion snapper were listed as undergoing overfishing and gag was listed as approaching an overfished condition. The status of gray triggerfish was listed as unknown.

The RFSAP is composed of biologists who are trained in the specialized field of population dynamics. They advise the Council on the status of stocks and, when necessary, recommend a level of acceptable biological catch (ABC) needed to prevent overfishing or to effect a recovery of an overfished stock. They may also recommend catch restrictions needed to attain management goals.

Based on its review of the gag, vermilion snapper, and gray triggerfish stock assessments, the RFSAP may recommend a range of ABC for 2002, and may recommend management measures to achieve the ABC.

The conclusions of the RFSAP will be reviewed by the Council's Standing and Special Reef Fish Scientific and Statistical Committee (SSC), Socioeconomic Panel (SEP), and Reef Fish Advisory Panel (RFAP) at meetings to be held in October, 2001. Gag is a component of the shallow-water grouper complex (which consists of red grouper, gag, yellowfin grouper, black grouper, scamp, yellowmouth grouper, rock hind, and red hind). The Council may set year 2002 total allowable catches (TAC), as well as other management measures for the gag component of the shallow-water grouper complex and for vermilion snapper and gray triggerfish at its meeting in Biloxi, MS on December 10–14, 2001.

Although other non-emergency issues not on the agendas may come before the RFSAP for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during these meetings. Actions of the RFSAP will be restricted to those issues specifically identified in the agendas and any issues arising after publication of this notice that require emergency action under Section 305 (c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see **ADDRESSES**) by September 17, 2001.

Dated: September 5, 2001.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–22645 Filed 9–7–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 090401A]

New England Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of a public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Monkfish Oversight Committee in September, 2001. Recommendations from the committee will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meeting will held on Monday, September 24, 2001, at 10 a.m.

ADDRESSES: The meeting will be held at the Radisson Airport Hotel Providence, 2081 Post Road, Warwick, RI 02886; telephone: (401) 739–3000.

Council address: New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; (978) 465–0492.

SUPPLEMENTARY INFORMATION: The Monkfish Committee will discuss issues and options to be considered for the annual adjustment framework, including the effect of the timing of the upcoming stock assessment and the recent judicial decision on the framework development schedule. They will also hold preliminary discussions on recommendations to the Council for 2002 workload priorities, including a possible plan amendment.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting dates.

Dated: September 5, 2001.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–22642 Filed 9–7–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 083101E]

Marine Mammals; File No. 782–1645

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that The National Marine Mammal Laboratory, Alaska Fisheries Science Center, 7600 Sand Point Way, N.E., BIN C15700, Seattle, WA 98115 (PI: Dr. Robert DeLong) has been issued a permit to take harbor porpoise (*Phocoena phocoena*) for purposes of scientific research.

ADDRESSES: The permit and related documents are available for review

upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 713–2289; fax (301) 713–0376; and

Northwest Region, NMFS, 7600 Sand Point Way NE, BIN C15700, Bldg. 1, Seattle, WA 98115–0700; phone (206) 526–6150; fax (206) 526–6426.

FOR FURTHER INFORMATION CONTACT: Ruth Johnson or Tammy Adams, (301) 713–2289.

SUPPLEMENTARY INFORMATION: On July 31, 2001, notice was published in the **Federal Register** (66 FR 39493) that a request for a scientific research permit to take harbor porpoise had been submitted by the above-named organization. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

Dated: September 4, 2001.

Eugene T. Nitta,

Acting Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 01–22641 Filed 9–7–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

Technology Administration

Announcement of Public Meeting on Existing Public and Private High-Tech Workforce Training Programs in the United States

AGENCY: Technology Administration, Commerce.

ACTION: Notice of public meeting.

SUMMARY: Notice is hereby given that a public meeting will be held on Tuesday November 20, 2001, 10:00 a.m. in the Technology Administration, Technology Center, U.S. Department of Commerce, Room 4813. Sections 115(a) and 115(b) of the American Competitiveness in the Twenty-First Century Act of 2000 (Public Law 106–313) require the Secretary of Commerce to conduct a study and prepare a report to Congress on existing public and private high-tech workforce training programs in the United States. In connection with this study and report, this public meeting is intended to provide an opportunity for individuals to offer comments on information technology (IT) workforce training.

The study and report will focus on the education and training paths and programs through which workers prepare for highly skilled IT jobs, and maintain the skills needed in an ever-changing IT environment. The study and report will explore: IT worker demand in terms of education and skill requirements, employer role in IT worker training, the IT education and training program landscape, including what education and skills various models of IT worker training program provide; and key elements for program success. Interested parties may include employers, IT workers, education/training providers, state and local governments, and area/regional training partnerships.

DATES: Tuesday, November 20, 2001, 10 a.m.

ADDRESSES: Technology Center, Technology Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Room 4813, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Individuals who wish to attend this public meeting should contact Carol Ann Meares, Technology Administrations, U.S. Department of Commerce, Room 4823, Washington, DC 20230. Telephone (202) 482–0940, or e-mail *cmeares@ta.doc.gov.*

Dated: September 4, 2001.

Bruce Mehlman,

Assistant Secretary of Commerce for Technology Policy.

[FR Doc. 01–22632 Filed 9–7–01; 8:45 am]

BILLING CODE 3510–18–M

DEPARTMENT OF COMMERCE

Technology Administration

[Docket No. 010626163–1163–01]

Notice, Request for Comments on Existing Public and Private High-Tech Workforce Training Programs in the United States

AGENCY: Technology Administration, U.S. Department of Commerce.

ACTION: Request for comments on existing public and private high-tech workforce training programs in the United States for Congressionally-mandated study and report to the Congress by the Secretary of Commerce.

SUMMARY: On behalf of the Secretary of Commerce, the Technology Administration (TA) invites interested parties to comment on existing public and private high-tech workforce training programs in the United States. Sections 115(a) and 115(b) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313) require the Secretary of Commerce to conduct a study and issue a report on this subject. In connection with this study and report, this Federal Register notice is intended to solicit comments and reply comments from the public in paper or electronic form. All written comments submitted in response to this notice will be posted on the TA website (*www.ta.doc.gov/ittraining*), and may be used in a report to Congress.

DATES: Interested parties are invited to submit comments no later than November 9, 2001.

ADDRESSES: Comments may be mailed to Carol Ann Meares, Office Technology Policy, Technology Administration, Room 4823 HCHB, 1401 Constitution Ave., NW., Washington, DC 20230. Paper submissions should include an electronic copy of the comments on a diskette in ASCII, WordPerfect (please specify version) or Microsoft Word (please specify version) format. Diskettes should be labeled with the name and organizational affiliation of the filer, and the name and version of the word processing program used to create the document.

In the alternative, comments may be submitted electronically to the following electronic mail address: techtraining@ta.doc.gov. Comments submitted as attachments to electronic mail should be submitted in one or more of the formats specified above.

Another alternative method for providing comment is an Internet-based form that can be completed and submitted online. The URL for this notice is www.ta.doc.gov/ittraining/form.

FOR FURTHER INFORMATION CONTACT: Carol Ann Meares, Office Technology Policy, telephone: (202) 482–0940; or electronic mail: cmeares@ta.doc.gov. Media inquiries should be directed to the Office of Public Affairs, Technology Administration, at (202) 482–8321.

SUPPLEMENTARY INFORMATION:

I. Background

The development and application of new information technologies across virtually every segment of the American economy has resulted in rapid, sustained growth in demand for highly skilled information technology (IT) workers. Accordingly, between 1983 and 1998, the number of high-skilled IT workers increased from 719,000 to 2,084,000—an increase of 190 percent, more than six times the overall U.S. job growth rate during this period.

Rapid growth is expected to continue into the foreseeable future. The

Department of Labor Bureau of Labor Statistics' (BLS) most recent ten-year employment projections indicate that the number of core IT workers—computer scientists, computer programmers, computer engineers, systems analysts, computer support specialists, and database administrators—will rise from 2.2 million in 1998 to 3.9 million in 2008. Another 300,000 will be needed to replace those leaving the field during this period. As a result, BLS projects more than 2 million new core IT workers will be needed during this ten-year period. In addition, the five fastest growing occupations in the U.S. economy during this period are all core IT occupations—database administrators, 77.2 percent; systems analysts, 93.6 percent; computer support specialists, 102.3 percent; computer engineers, 107.9 percent; and ''all other computer scientists,'' 117.5 percent. These growth rates compare to a projected increase of 14.4 percent for all occupations during this period.

The jobs represented by these broad occupational classifications are varied, complex and specialized, as are the knowledge, skills and experience required to perform them. There is no single path to prepare a worker for a core IT occupation. Most get their education from four-year colleges and universities. Other paths include two-year degree-granting community colleges, special university/community programs designed to upgrade the skills of the current workforce, a growing number of private sector certification programs, in-house company training, short courses and self-study.

BLS's Current Population Survey indicates that two-thirds of the current core IT workforce have four-year college degrees, a quarter have less than a bachelor's degree but more than a high school diploma, and the balance have a high school diploma or less. In addition to formal education, many IT workers hold one or more technical certifications. Of those with four-year college degrees, 46 percent have IT degrees, minors or second majors; 86 percent have a degree in a science or engineering discipline.

This study and report will focus on the education and training paths and programs through which Americans prepare for these jobs and maintain the skills needed in an ever-changing information technology environment.

The Office of Technology Policy, an agency of the Commerce Department's Technology Administration, has conducted research and produced reports on the Nation's challenge in meeting the high U.S. demand for skilled IT workers. These reports can be downloaded for review at: *http://www.ta.doc.gov/reports.htm*

II. Statutory Language Requiring a Study and Report to Congress

The statutory language requiring the Secretary of Commerce to conduct a study and submit a report to Congress on existing public and private high-tech workforce training programs in the United States is found in Sections 115(a) and 115(b) of the American Competitiveness in the Twenty-First Century Act of 2000 (Public Law 106–313), and is set forth below:

Sec. 115(a) STUDY—The Secretary of Commerce shall conduct a review of existing public and private high-tech workforce training programs in the United States.

Sec. 115(b) REPORT—Not later than 18 months after the date of enactment of this Act, the Secretary of Commerce shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

III. Specific Questions

The Department seeks comment on the following specific questions. Parties need not address all questions, but are encouraged to respond to those about which they have particular knowledge or information.

A. Questions for Employers

Please provide some information about your company/organization to provide a context for your comments (e.g. type of business, georgraphic location, size of total workforce, size of IT workforce).

1. What types of IT workers does your company/organization employ (.e.g. development, application, support; occupational/technical skill type; entry-level, mid-level, senior)?

2. In making IT workforce-hiring decisions, what priority do you place on:

Graduate degrees?

—Four-year IT degree (e.g. computer science, computer engineering, management information systems)?
—Four-year technical degree (e.g. math, science, engineering)?
—Four-year business degree?
—Four-year liberal arts degree?
—Two-year associates degree?
—Technical Certification(s)? Which certifications does your company rely on?
—General technical experience?
—Experience with specific applications, operating systems, programming languages, hardware, etc.?
—Industry-specific Experience?

3. What types of education/training programs (e.g. certification programs, private IT schools, short courses, seminars, community colleges, universities) provide newly hired IT workers with the skills needed?

4. What types of education/training programs (e.g. certification programs, private IT schools, short courses, seminars, community colleges, universities) provide current employees with the skills needed to be successful in their jobs, career progression, and to adapt effectively to changing technology?

5. Does your company/organization undertake efforts to keep the skills of your IT workforce current? What types of education/training programs (e.g. certification programs, private IT schools, short courses, in-house training, contract trainers, vendor training, seminars, community colleges, universities) does your company/organization use to provide current IT employees with the skills they need? What are the strengths and weaknesses of these programs?

6. What barriers inhibit investment in the education/training of current IT employees (e.g., cost, time from the job, fear of losing employee, uncertainty about future skill needs)?

7. Is your company/organization engaged in any partnerships (with industry, government, academia, training providers, etc.) to develop IT workers? What are the strengths and weaknesses of these programs?

8. What factors are considered in deciding whether to fill an IT position (or class of IT positions) by providing training and education to upgrade the knowledge and skills of current employee(s) (''making''), or by hiring employees who already have the skills from the open labor market (''buying'')? What are the characteristics (e.g., skill level, experience requirements, area of expertise) of IT position that your company/organization fills by making? By buying?

9. How important are ''soft skills'' (e.g., oral and written communications skills, teamwork, problem solving) for an IT worker? Which ''soft skills'' are most important?

10. How quickly do the IT skills needed by your company/organization change? How are these changing IT skills requirements met? What impact do changing skills requirements have on your IT workforce?

11. Are you aware of or been involved in any U.S. Department of Labor-sponsored or support IT workforce training programs in your area? Have you hired or considered for employment any employees trained through U.S. Department of Labor-sponsored or supported IT training workforce programs? If so, what is your assessment

of the value of the training of these employees received? How well did the skills of the graduates of these programs meet your company's IT skill needs?

12. Does your company/organization train non-IT employees for IT jobs in the company/organization? If so, what types of education and training programs are provided for this purpose?

13. For IT managers: When announcing a job opening, do the education/skills/experience articulated by your company/organization as required for specific IT positions accurately reflect the education/skills/experience required to be successful in the positions?

14. For human resource officials: Do the education/skills/experience articulated by your line managers as required for specific IT positions accurately reflect the education/skills/experience required to be successful in the positions?

15. What types of credentials would substitute for technical job experience for entry-level jobs? For more advanced jobs?

16. Does your company/organization, either directly or through another organization, provide information regarding your IT skills needs to local educational and training providers to help them tailor their curricula/instruction to your needs?

17. Aside from the education/training investment in your current IT employees, what types of investments does your company/organization make in developing the U.S. IT workforce (e.g. financial contributions, scholarships, internships, work study, hardware/software donations, employee mentoring of students, adopt-a-school, other)?

18. Of the IT education/training programs that you have experience with, which do you consider effective?

B. Questions for IT Workers

1. What types of education and training programs (e.g. certification programs, private IT schools, short courses, seminars, community colleges, four-year colleges, graduate schools) provide the most immediately marketable skills for obtaining an IT job?

2. What types of education and training programs provide the most valuable IT or other skills for success in the long run in the IT field? Career progression in IT? Ability to adapt to changing information technology?

3. What are the strengths and weaknesses of the IT education/training program(s) you attended in terms of their providing valuable knowledge and skills for the IT job market?

4. What barriers do current/potential IT workers face in obtaining IT education and training (e.g., cost, availability, scheduling, meeting prerequisites)?

5. In your experience, what types of programs provide the highest quality of IT education/training? Best value? Most effective?

6. What barriers have you faced in obtaining IT jobs (e.g., lack of education, certification, experience, specificity of skill requirements)?

7. Have your employers supported your efforts to obtain IT education/training/skills upgrading? If so, how (e.g., paid for training, provided training on-site, provided time away from work to attend classes)? What barriers did you face in getting your employer(s) support?

8. How do you keep your skills up-to-date (programs, cost, time)?

9. How important is formal training versus experience gained on the job?

10. In your experience, do you believe that employers' stated requirements—in terms of education, skills, and experience—closely match the actual requirements of the jobs advertised?

11. Are you aware of any U.S. Department of Labor-sponsored or supported IT workforce training programs in your area? Have you participated in any U.S. Department of Labor-sponsored or supported IT workforce training programs? If so, what is your assessment of the value of the training provided by these programs?

C. Questions for Education/Training Providers

Please provide some information about your company/school/institution to provide a context for your comments (e.g., contract trainer, private IT school, community college, college, university; number of students; type of IT programs offered; duration, cost, type of client served).

1. In your IT education/training programs, is there any tension between providing fundamental knowledge and skills that are broadly applicable, and providing IT skills (perhaps proprietary) that will make your graduates immediately marketable? If so, how do you deal with the tension?

2. Are you finding that students in your programs arrive with the fundamental skills to be successful in IT careers? What are the characteristics of students who are most likely to succeed in your programs? What are the most significant barriers your students face in completing your programs? What are the most significant barriers your students face in finding employment after completing your program?

3. In an era of rapidly changing technology, how flexible is your institution in adapting its curricula to meet the changing technical skill needs of students and employers? Other changing needs of students and employers (e.g., soft skills, business skills, hands-on training, internships)? What are the barriers to adapting to these changing needs?

4. Does your institution provide placement services for your graduates? What level of success do your students have in securing IT employment after receiving training/education from your institution? What barriers to securing IT employment do your graduates report?

5. How do you develop connections between the program (what is taught) and employers' needs?

D. Questions for State/Local Government Agencies and Area/Regional Partnerships

Please provide some information about your agency/partnership to provide a context for your comments (e.g. type of institution, when established, phase of development, scope of activities).

1. Does your organization have a strategic plan for developing the IT workforce in your area or region? What are the elements of your plan?

2. Who is involved in your plan (e.g. government agencies, companies, education/training providers, workforce investment boards)?

3. Who do your programs target for training (entry level, career changers, disadvantaged groups, special communities, current IT workforce—both staying current (retooling) and getting ahead (upgrading))? What are the barriers to providing this training (aptitude, lack of knowledge/skill needed to participate in training, interest, lack of available workers, lack of time in students' lives, employer resistance)? How do you attract students/clients to your programs?

4. Approximately how many people have received training through your programs (please include the timeframe)?

5. Which institutions (governments agencies, IT companies, non-IT companies) are financially supporting this effort? Do employers participate in supporting this effort?

Which IT training providers (e.g. contract trainers, private IT schools, community colleges, universities) participate in your effort?

6. What types of training programs (certification, community college, 4-year colleges, graduate schools) do your students participate in under your programs?

7. With respect to those you are training for IT jobs, besides the technical IT training what other kinds of education, training and employment-related services are available through your program?

8. How successful have your programs been in placing students in IT jobs? What are the barriers your program participants face in getting IT jobs after completing their training?

9. What feedback have you received from employers on the strengths and weaknesses of your programs?

10. Does your state/jurisdiction offer incentives (tax, financial, other) to employer or employees for IT education and training? How effective have these incentives been?

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to penalty for failure to comply with, a collection of information subject to the Paperwork Reduction Act, unless that collection displays a currently valid OMB control number.

Dated: September 4, 2001.

Bruce Mehlman,

Assistant Secretary of Commerce for Technology Policy.

[FR Doc. 01–22633 Filed 9–7–01; 8:45 am]

BILLING CODE 3510–18–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Indonesia

September 4, 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: September 12, 2001.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at http://otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted for carryforward and the rescinding of carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 65 FR 82328, published on December 28, 2000). Also see 65 FR 69911, published on November 21, 2000.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 4, 2001.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 15, 2000, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man–made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Indonesia and exported during the twelve-month period which began on January 1, 2001 and extends through December 31, 2001.

Effective on September 12, 2001, you are directed to adjust the limits for the categories listed below, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Twelve-month restraint limit [1]
Levels in Group I	
342/642	550,234 dozen.
345	582,964 dozen.
448	22,999 dozen.
604–A [2]	967,083 kilograms.
634/635	419,596 dozen.
644	624,467 numbers.
847	549,776 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 2000.

[2] Category 604-A: only HTS number 5509.32.0000.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,
D. Michael Hutchinson,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.01–22628 Filed 9–7–01; 8:45 am]

BILLING CODE 3510–DR–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in the Philippines

September 4, 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: September 11, 2001.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.ustreas.gov. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at http://otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for Categories 350 and 650 are being adjusted for the rescinding of carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 65 FR 82328, published on December 28, 2000). Also see 65 FR 69742, published on November 20, 2000.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 4, 2001.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive

issued to you on November 14, 2000, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man–made fiber textiles and textile products and silk blend and other vegetable fiber apparel, produced or manufactured in the Philippines and exported during the twelve-month period which began on January 1, 2001 and extends through December 31, 2001.

Effective on September 11, 2001, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
Levels in Group I	
350	165,996 dozen.
650	154,949 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 2000.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.01–22629 Filed 9–7–01; 8:45 am]

BILLING CODE 3510–DR–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Sri Lanka

September 4, 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: September 11, 2001.

FOR FURTHER INFORMATION CONTACT: Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at http://www.otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for Categories 350/650 and 840 are being reduced for the rescinding of carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 65 FR 82328, published on December 28, 2000). Also see 65 FR 69503, published on November 17, 2000.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 4, 2001.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 13, 2000, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Sri Lanka and exported during the twelve-month period which began on January 1, 2001 and extends through December 31, 2001.

Effective on September 11, 2001, you are directed to reduce the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
350/650	181,508 dozen.
840	246,443 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 2000.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–22630 Filed 9–7–01; 8:45 a.m.

BILLING CODE 3510–DR–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of an Import Limit for Certain Cotton Textile Products Produced or Manufactured in the Republic of Turkey

September 4, 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting a limit.

EFFECTIVE DATE: September 12, 2001.

FOR FURTHER INFORMATION CONTACT: Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at http://otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limit for Category 350 is being reduced for the rescinding of carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 65 FR 82328, published on December 28, 2000). Also see 65 FR 66730, published on November 7, 2000.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 4, 2001.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on October 27, 2000, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Turkey and exported during the twelve-month period

which began on January 1, 2001 and extends through December 31, 2001.

Effective on September 12, 2001, you are directed to reduce the current limit for Category 350 to 759,015 dozen [1], as provided for under the Uruguay Round Agreement on Textiles and Clothing:

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,
D. Michael Hutchinson,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–22631 Filed 9–7–01; 8:45 am]

BILLING CODE 3510–DR–S

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Policy Board Advisory Group; Meeting

AGENCY: Office of the Secretary, DoD.

ACTION: Notice of advisory committee meeting.

SUMMARY: The Defense Policy Board will meet in closed session on September 19 and 20, 2001. the mission of the Defense Policy Board is to provide the Secretary of Defense and the Under Secretary of Policy with independent, informed advice and opinion concerning major matters of defense policy. At this meeting, the Board will hold classified discussions on national security matters.

In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App II (1982)), it has been determined that the committee meeting concerns matters sensitive to the interest of national security, listed in 5 U.S.C. 552B(c)(1)(1982). Accordingly this meeting will be closed to the public

DATES: September 19 and 20, 2001, 0800–1800.

ADDRESSES: The Pentagon, Washington, DC

FOR FURTHER INFORMATION CONTACT: Lauren Haber, OUSD (Policy), 703–697–0286

Dated: August 31, 2001.

L.M. Bynum,

Alternate Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–22573 Filed 9–7–01; 8:45 am]

BILLING CODE 5001–08–M

[1] The limit has not been adjusted to account for any imports exported after December 31, 2000.

DEPARTMENT OF DEFENSE

Office of the Secretary

Deterrence Concepts Advisory Group; Meeting

AGENCY: Office of the Secretary, DoD.

ACTION: Notice of advisory committee meeting.

SUMMARY: The Deterrence Concepts Advisory Group met in closed session on September 5, 2001. The Committee was established to provide advice and recommendations to the Secretary of Defense on advancing a strong, secure, and persuasive U.S. force for freedom and progress in the world, and to do so at the lowest nuclear force level consistent with security requirements.

In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended [5 U.S.C. App. II (1982)], it has been determined that the committee meeting concerns matters sensitive to the interest of national security, listed in 5 U.S.C. 552B(c)(1)(1982) and accordingly this meeting was closed to the public.

This notice is being published in less than the 15 days required by law, due to the urgent need for this committee to continue its activities so that its advice on a matter of extraordinary importance may be provided to the Secretary of Defense in a timely manner.

DATES: September 5, 2001, 1:30 p.m.

ADDRESSES: The Pentagon, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Lauren Haber, OUSD (Policy), 703–697–0286.

Dated: August 31, 2001.

L.M. Bynum,

Alternate Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–22574 Filed 9–7–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

U.S. Strategic Command Strategic Advisory Group; Meeting

AGENCY: Department of Defense, USSTRATCOM.

ACTION: Notice.

SUMMARY: The Strategic Advisory Group (SAG) will meeting closed session on October 4 and 5, 2001. The mission of the SAG is to provide timely advice on scientific, technical, and policy-related issues to the Commander in Chief, U.S. Strategic Command, during the development of the nation's strategic war plans. At this meeting, the SAG will discuss strategic issues that relate to the development of the Single Integrated Operational Plan (SIOP). Full development of the topic will require discussion of information classified in accordance with Executive Order 12958, April 17, 1995. Access to this information must be strictly limited to personnel having requisite security clearances and specific need-to know. Unauthorized disclosure of the information to be discussed at the SAG meeting could have exceptionally grave impact upon national defense.

In accordance with section 10(d) of the Federal Advisory Committee Act, (5 U.S.C. App 2), it has been determined that this SAG meeting concerns matters listed in 5 USC 552b(c) and that, accordingly, this meeting will be closed to the public.

Dated: August 31, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Office, DoD.

[FR Doc. 01–22575 Filed 9–7–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before November 9, 2001.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed

information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: September 4, 2001.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: New.

Title: Evaluation of the Projects with Industry (PWI) Program.

Frequency: One-time.

Affected Public: Businesses or other for-profit; Not-for-profit institutions; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 462

Burden Hours: 540

Abstract: The evaluation of the PWI Program will provide the Rehabilitation Services Administration (RSA) and other federal officials with information needed to assess the extent to which Program purposes are being fulfilled. The data obtained will also enable RSA to identify the impact of recent regulatory changes on the Program and to determine the ongoing utility of, and need for revisions to, the Program's compliance indicators and performance indicators under the Government Performance and Results Act (GPRA). Respondents to information requests will include PWI staff, local Vocational Rehabilitation agency staff, Business Advisory Council members, employers of former PWI participants, local workforce investment board members, and staff of local one-stop job centers.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 4050, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address *OCIO_RIMG@ed.gov* or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at (202) 708–6287 or via her internet address *Sheila.Carey@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 01–22594 Filed 9–7–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2069–006]

Arizona Public Service Company; Notice of Petition for Declaratory Order

September 4, 2001.

On August 1, 2001, Arizona Public Service Company (APS) filed a petition for a declaratory order regarding the Offer of Settlement and Settlement Agreement (settlement) filed September 15, 2000, and currently pending before the Commission in the relicensing proceeding for the Childs Irving Project No. 2069. The settlement, which was signed by APS, the intervenors in the relicensing proceeding, and several non-intervenors, provides, among other things, that APS will cease generation at the project no later than December 31, 2004, will surrender the project license and decommission the project site, and will complete project decommissioning no later than December 31, 2009. The settlement also provides that, in the event of a Commission order that alters any of its essential terms, the settlement shall become null and void, and the relicensing proceeding shall be restored.

APS requests that the Commission issue a declaratory order determining whether the process contemplated by the settlement is acceptable. Specifically, APS seeks confirmation that the Commission will allow the parties to the settlement to return to the pre-settlement status quo if the Commission modifies the settlement or if the objectives of the settlement, including license surrender and project decommissioning, are not achieved. By this, APS means, in particular, that the Commission will retain or reinstate its relicense application and process it without providing a new opportunity for the filing of competitive license applications. APS also seeks confirmation that, if the Commission accepts the surrender of the license, it will allow the surrender to be effective at a future date so that generation may continue until December 31, 2004. In this regard, APS requests the Commission to confirm that it would exercise its authority to issue annual licenses during the pendency of the surrender application and until the deadline for the cessation of generation. The petition does not request the Commission to take a position on the merits of the settlement.

Because the relief sought by the petition could have implications for other proceedings in which similar issues occur, the Commission encourages comments from any interested entities, not just those involved in this particular proceeding. The Commission would particularly welcome comments that address whether it should be willing to retain or reinstate relicense applications that are conditional upon the occurrence of other events, especially when those events are contemplated by settlements submitted during relicensing proceedings. The Commission would also welcome comments that address whether, and under what conditions, it should provide additional opportunities for entities to seek licenses to operate a project if an incumbent licensee that has filed an application for a new license subsequently seeks, conditionally or unconditionally, to surrender its existing license before the new license has been issued. Also, the Commission would welcome comments that address the extent to which it should allow the effectiveness of a license surrender to be postponed, and whether it should be willing to issue annual licenses for an extended period of time until project generation ceases or until the project is fully decommissioned.

Any person desiring to be heard or to protest the petition should file comments, a protest, or a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 385.210, 385.211 and 385.214. In determining the appropriate action to take, the Commission will consider all protests and other comments, but only those who file a motion to intervene may become parties to the proceeding. Comments, protests, or motions to

intervene must be filed within 30 days of publication of this notice in the **Federal Register** and must bear in all capital letters the title ''COMMENTS,'' ''PROTEST,'' or ''MOTION TO INTERVENE,'' as applicable, and Project No. 2069–006.

Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-filing'' link.

Send the filings (original and 8 copies) to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Copies of the petition for declaratory order are on file with the Commission and are available for public inspection in Room 2A and may also be viewed on the web at *http://www.ferc.gov/online/rims.htm* (please call (202) 208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–22586 Filed 9–7–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–1821–001]

Power Dynamics, Inc.; Notice of Filing

September 4, 2001.

Take notice that on July 25, 2001, Power Dynamics, Inc. (PDI) tendered for filing with the Federal Energy Regulatory Commission (Commission or FERC), FERC Electric Tariff, Original Volume No. 1.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before September 14, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–22584 Filed 9–7–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG01–288–000, et al.]

Homer City OL1 LLC, et al.; Electric Rate and Corporate Regulation Filings

September 4, 2001.

Take notice that the following filings have been made with the Commission:

1. Homer City OL1 LLC

[Docket No. EG01–288–000]

Take notice that on August 28, 2001, Homer City OL1 LLC (Applicant) filed with the Federal Energy Regulatory Commission (Commission) an application for determination that it will be an Exempt Wholesale Generator upon the purchase and leaseback by Applicant of an undivided interest in the Homer City Electric Generating Station, an 1,884-MW coal-fired generating plant located in Indiana County, Pennsylvania.

Comment date: September 19, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that address the adequacy or accuracy of the application.

2. Homer City OL2 LLC

[Docket No. EG01–289–000]

Take notice that on August 28, 2001, Homer City OL2 LLC (Applicant) filed with the Federal Energy Regulatory Commission an application for determination that it will be an Exempt Wholesale Generator upon the purchase and leaseback by Applicant of an undivided interest in the Homer City Electric Generating Station, an 1,884-MW coal-fired generating plant located in Indiana County, Pennsylvania.

Comment date: September 25, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that address the adequacy or accuracy of the application.

3. Homer City OL3 LLC

[Docket No. EG01–290–000]

Take notice that on August 28, 2001, Homer City OL3 LLC (Applicant) filed with the Federal Energy Regulatory Commission an application for determination that it will be an Exempt Wholesale Generator upon the purchase and leaseback by Applicant of an undivided interest in the Homer City Electric Generating Station, an 1,884-MW coal-fired generating plant located in Indiana County, Pennsylvania.

Comment date: September 25, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that address the adequacy or accuracy of the application.

4. Homer City OL4 LLC

[Docket No. EG01–291–000]

Take notice that on August 28, 2001, Homer City OL4 LLC (Applicant) filed with the Federal Energy Regulatory Commission an application for determination that it will be an Exempt Wholesale Generator upon the purchase and leaseback by Applicant of an undivided interest in the Homer City Electric Generating Station, an 1,884-MW coal-fired generating plant located in Indiana County, Pennsylvania.

Comment date: September 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Homer City OL5 LLC

[Docket No. EG01–292–000]

Take notice that on August 28, 2001, Homer City OL5 LLC (Applicant) filed with the Federal Energy Regulatory Commission an application for determination that it will be an Exempt Wholesale Generator upon the purchase and leaseback by Applicant of an undivided interest in the Homer City Electric Generating Station, an 1,884–MW coal-fired generating plant located in Indiana County, Pennsylvania.

Comment date: September 25, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that address the adequacy or accuracy of the application.

6. Homer City OL6 LLC

[Docket No. EG01–293–000]

Take notice that on August 28, 2001, Homer City OL6 LLC (Applicant) filed with the Federal Energy Regulatory Commission an application for determination that it will be an Exempt Wholesale Generator upon the purchase and leaseback by Applicant of an undivided interest in the Homer City Electric Generating Station, an 1,884-

MW coal-fired generating plant located in Indiana County, Pennsylvania.

Comment date: September 25, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that address the adequacy or accuracy of the application.

7. Homer City OL7 LLC

[Docket No. EG01–294–000]

Take notice that on August 28, 2001, Homer City OL7 LLC (Applicant) filed with the Federal Energy Regulatory Commission an application for determination that it will be an Exempt Wholesale Generator upon the purchase and leaseback by Applicant of an undivided interest in the Homer City Electric Generating Station, an 1,884-MW coal-fired generating plant located in Indiana County, Pennsylvania.

Comment date: September 25, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that address the adequacy or accuracy of the application.

8. Homer City OL8 LLC

[Docket No. EG01–295–000]

Take notice that on August 28, 2001, Homer City OL8 LLC (Applicant) filed with the Federal Energy Regulatory Commission an application for determination that it will be an Exempt Wholesale Generator upon the purchase and leaseback by Applicant of an undivided interest in the Homer City Electric Generating Station, an 1,884-MW coal-fired generating plant located in Indiana County, Pennsylvania.

Comment date: September 19, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that address the adequacy or accuracy of the application.

9. Panda Shiloh Power, L.P.

[Docket No. EG01–296–000]

Take notice that on August 29, 2001, Panda Shiloh Power, L.P. (Panda), with its principal offices at 4100 Spring Valley Road, Suite 1001, Dallas, Texas 75244, filed with the Federal Energy Regulatory Commission (Commission), an application for determination of exempt wholesale generator status pursuant to Section 32 of the Public Utility Holding Company Act of 1935, as amended, and Part 365 of the Commission's regulations.

Panda is a Delaware limited partnership, which will construct, own and operate a nominal 1100 MW natural gas-fired generating facility within the region governed by the Mid-America Interconnected Network, Inc. (MAIN) and sell electricity at wholesale.

Comment date: September 25, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that address the adequacy or accuracy of the application.

10. Front Range Power Company, LLC

[Docket No. EG01–297–000]

Take notice that on August 30, 2001, Front Range Power Company, LLC tendered for filing with the Federal Energy Regulatory Commission (Commission) an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

Front Range Power Company, LLC is a Colorado limited liability company owned by Mesquite Colorado Holdco, L.L.C., a Delaware limited liability company and affiliate of El Paso Energy Corporation, and Colorado Springs Utilities, an enterprise of the City of Colorado Springs, Colorado, to develop, design , construct, own, operate and maintain a natural gas-fired combined-cycle electric generation plant with a maximum capacity of approximately 480 MW, located on a 28-acre parcel of land approximately 17 miles south of Colorado Springs, Colorado.

Comment date: September 25, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. Energy Transfer—Hanover Ventures, LP

[Docket No. ER01–2221–001]

Take notice that on August 30, 2001, Energy Transfer—Hanover Ventures, LP (ETHAN) tendered for filing with the Federal Energy Regulatory Commission (Commission), a supplement to its application for market-based rates as power marketer. The supplemental information pertains to ETHAN's ownership, business activities, and market power. Further the supplement makes certain changes to the Rate Schedule FERC No. 1 to cause them to conform with Section 35.9 of the Commission's regulations.

Comment date: September 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. PJM Interconnection, L.L.C.

[Docket No. ER01–2948–000]

Take notice that on August 28, 2001, PJM Interconnection, L.L.C. (PJM), tendered for filing an executed service agreement for firm point-to-point transmission service for Exelon Generating Company, L.L.C. (Exelon) and two executed umbrella service agreement for point-to-point transmission service (firm and non-firm) with SCANA Energy Marketing, Inc. (SCANA).

Copies of this filing were served upon Exelon, SCANA and the state commissions within the PJM control area.

Comment date: September 18, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Allegheny Energy Supply Company, LLC

[Docket No. ER01–2949–000]

Take notice that on August 28, 2001, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC (Allegheny Energy Supply) filed Service Agreement No. 147 to add one (1) new Customer to the Market Rate Tariff under which Allegheny Energy Supply offers generation services.

Allegheny Energy Supply requests a waiver of notice requirements for an effective date of September 1, 2001 for Portland General Electric.

Copies of the filing have been provided to all parties of record.

Comment date: September 18, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. American Electric Power Service Corporation

[Docket No. ER01–2950–000]

Take notice that on August 28, 2001, American Electric Power Service Corporation (AEP) tendered for filing with the Federal Energy Regulatory Commission (Commission), a Letter agreement between Entergy Power Ventures, LP and Northeast Texas Electric Cooperative, Inc. and Southwestern Electric Power Company (the Company).

AEP requests an effective date of October 27, 2001.

Copies of the filing have been served upon Entergy Power Ventures, LP, Northeast Texas Electric Cooperative, Inc. and the Public Utility Commission of Texas.

Comment date: September 18, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. Allegheny Energy Supply Company, LLC

[Docket No. ER01–2951–000]

Take notice that on August 28, 2001, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC (Allegheny Energy Supply) filed Service Agreement No. 146 to add one (1) new Customer to the Market Rate Tariff under which

Allegheny Energy Supply offers generation services.

Allegheny Energy Supply requests a waiver of notice requirements for an effective date of July 30, 2001 for Associated Electric Cooperative, Inc.

Copies of the filing have been provided to all parties of record.

Comment date: September 18, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. American Transmission Company LLC

[Docket No. ER01–2952–000]

Take notice that on August 29, 2001, American Transmission Company LLC (ATCLLC) tendered for filing a Network Integration Transmission Service Agreement and a Network Operating Agreement for Manitowoc Public Utilities.

ATCLLC requests an effective date of August 1, 2001.

Comment date: September 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–22604 Filed 9–7–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC01–135–000, et al.]

Wisconsin Public Services Corporation., et al.; Electric Rate and Corporate Regulation Filings

August 31, 2001.

Take notice that the following filings have been made with the Commission:

1. Wisconsin Public Service Corporation

[Docket No. EC01–135–000]

Take notice that on August 27, 2001, Wisconsin Public Service Corporation, the applicant in this proceeding, supplemented its August 2, 2001 application by providing a statement showing that the application is consistent with the public interest and requesting Commission action by October 10, 2001.

Copies of the filing were served upon Eagle River Light & Water Utility, Wisconsin Public Power, Inc., and the Wisconsin and Michigan public service commissions.

Comment date: September 17, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. MIECO Inc.

[Docket No. ER98–51–011]

Take notice that MIECO Inc. (MIECO) on August 28, 2001 tendered for filing with the Federal Energy Regulatory Commission (Commission) a triennial update regarding MIECO's continued compliance with the Commission's standards for market-based rate authority.

Copies of the filing were served upon the official service list compiled by the Commission Secretary in this proceeding.

Comment date: September 18, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. Timber Energy Resources, Inc., A Texas Corporation

[Docket No. ER01–1993–001]

Take notice that on August 28, 2001, Timber Energy Resources, Inc. (TERI) tendered for filing with the Federal Energy Regulatory Commission (Commission) a Notification of Change in Status regarding a change in the upstream ownership for its 14 MW waste wood-fired small power production facility located approximately one mile south of Telogia, Florida.

Comment date: September 18, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. PSEG Waterford Energy LLC

[Docket No. ER01–2482–001]

Take notice that on August 28, 2001, PSEG Waterford Energy LLC (PSEG Waterford) tendered for filing a Compliance Filing Regarding Order Granting Rate Approval and Granting Certain Waivers and Blanket Approval. This filing is submitted in compliance with a letter order issued by the Federal Energy Regulatory Commission (Commission) on August 23, 2001, wherein the Commission accepted for filing PSEG Waterford's rate schedule for the wholesale sale of electric energy and capacity at market-based rates, subject to PSEG Waterford making one revision to its rate schedule.

Comment date: September 18, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. SCANA Energy Marketing, Inc. and South Carolina Electric & Gas Company

[Docket No. ER01–2635–001]

Take notice that on August 24, 2001, Scana Energy Marketing, Inc. filed a Notice of Cancellation in conformance with Order No. 614 in conjunction with its earlier filing of July 19, 2001.

Comment date: September 14, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. Entergy Services, Inc.

[Docket No. ER01–2932–000]

Take notice that on August 28, 2001, Entergy Services, Inc., on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc., (collectively, the Entergy Operating Companies) tendered for filing with the Federal Energy Regulatory Commission (Commission) a Non-Firm Point-To-Point Transmission Service Agreement and a Short-Term Firm Point-To-Point Transmission Service Agreement both between Entergy Services, Inc., as agent for the Entergy Operating Companies, and Entergy-Koch Trading, LP.

Comment date: September 18, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. Entergy Services, Inc.

[Docket No. ER01–2933–000]

Take notice that on August 28, 2001, Entergy Services, Inc., on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc., (collectively, the

''Entergy Operating Companies'') tendered for filing with the Federal Energy Regulatory Commission (Commission) a Non-Firm Point-To-Point Transmission Service Agreement and a Short-Term Firm Point-To-Point Transmission Service Agreement both between Entergy Services, Inc., as agent for the Entergy Operating Companies, and Mirant Americas Energy Marketing, LP.

Comment date: September 18, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. PJM Interconnection, L.L.C.

[Docket No. ER01–2934–000]

Take notice that on August 28, 2001, PJM Interconnection, L.L.C. (PJM) tendered for filing with the Federal Energy Regulatory Commission (Commission), one signature page to the Reliability Assurance Agreement among Load Serving Entities in the PJM Control Area (RAA) executed by BP Energy; a request for Commission approval of the withdrawal of two parties from the RAA; an amended Schedule 17 of the RAA adding BP Energy to the list of RAA signatories, and deleting the entities that are withdrawing from the RAA; and a Notices of Cancellation for Essential.com, Inc., and Metromedia Energy, Inc. reflecting their withdrawal as signatories to the RAA.

PJM states that it served a copy of its filing on all parties to the RAA, including the parties for which a signature page is being tendered with this filing, the parties that are withdrawing from the RAA, and each of the state electric regulatory commissions within the PJM control area.

Comment date: September 18, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Xcel Energy Services Inc.

[Docket No. ER01–2935–000]

Take notice that on August 27, 2001 Xcel Energy Services Inc. (XES), on behalf of Northern States Power Companies (NSP) tendered for filing a Short-Term Market-Based Electric Service Agreement between NSP and New Ulm Public Utilities. XES requests that this Short-Term Market-Based Electric Service Agreement be made effective on July 30, 2001.

Comment date: September 17, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. Arizona Public Service Company

[Docket No. ER01–2936–000]

Take notice that on August 27, 2001, Arizona Public Service Company (APS) tendered for filing with the Federal Energy Regulatory Commission (Commission) an Interconnection and Operating Agreement with San Manuel Power Company under APS'' Open Access Transmission Tariff.

A copy of this filing has been served on San Manuel Power Company and the Arizona Corporation Commission.

Comment date: September 17, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. Arizona Public Service Company

[Docket No. ER01–2937–000]

Take notice that on August 27, 2001, Arizona Public Service Company (APS) tendered for filing with the Federal Energy Regulatory Commission (Commission) an Interconnection and Operating Agreement with San Manuel Power Company under APS' Open Access Transmission Tariff.

A copy of this filing has been served on San Manuel Power Company and the Arizona Corporation Commission.

Comment date: September 17, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. PJM Interconnection, L.L.C.

[Docket No. ER01–2938–000]

Take notice that on August 27, 2001 PJM Interconnection, L.L.C. (PJM), submitted for filing with the Federal Energy Regulatory Commission (Commission) an executed interconnection service agreements between PJM and Northeast Maryland Waste Disposal Authority.

Copies of this filing were served upon Northeast Maryland Waste Disposal Authority and the state regulatory commissions within the PJM control area.

Comment date: September 17, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company

[Docket No. ER01–2939–000]

Take notice that on August 27, 2001, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (individually doing business as GPU Energy) submitted for filing to the Federal Energy Regulatory Commission (Commission or FERC) a Notice of Cancellation of the Service Agreement between GPU Service Corporation and Pennsylvania Power & Light Company (now PPL Electric Utilities Corporation d/b/a PPL Utilities) FERC Electric Tariff, Original Volume No. 1, Service Agreement No. 5. GPU Energy requests that cancellation be effective October 24, 2001.

Comment date: September 17, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. Cinergy Services, Inc.

[Docket No. ER01–2940–000]

Take notice that on August 27, 2001, Cinergy Services, Inc. tendered for filing with the Federal Energy Regulatory Commission (Commission) an Interconnection Agreement entered into by and between Cinergy Services, Inc. (Cinergy) and Duke Energy Knox, LLC (Duke Energy Knox), and a Facilities Construction Agreement by and between Cinergy and Duke Energy Knox, both of which are dated July 30, 2001.

Cinergy requests an effective date of July 30, 2001 for both the Interconnection Agreement and the Facilities Construction Agreement.

Cinergy states that it has served a copy of its filing upon the Indiana Utility Regulatory Commission and Duke Energy Knox.

Comment date: September 17, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. Xcel Energy Services Inc.

[Docket No. ER01–2941–000]

Take notice that on August 27, 2001 Xcel Energy Services Inc. (XES), on behalf of Northern States Power Companies (NSP Companies) tendered for filing with the Federal Energy Regulatory Commission (Commission) a Rate Schedule for Market-Based Power Sales. XES requests that this Rate Schedule for Market-Based Power Sales be made effective on August 28, 2001.

Comment date: September 17, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. Ameren Services Company

[Docket No. ER01–2943–000]

Take notice that on August 27, 2001, Ameren filed with the Federal Energy Regulatory Commission the cancellation of Non-Firm Point-to-Point Transmission Service Agreement dated June 30, 1998, Docket No. ER98–3715–000.

Copy of the cancellation has been served to Tractebel Energy Marketing, Inc.

Comment date: September 17, 2001, in accordance with Standard Paragraph E at the end of this notice.

17. Ameren Services Company

[Docket No. ER01–2944–000]

Take notice that on August 27, 2001, Ameren filed with the Federal Energy

Regulatory Commission the cancellation of Non-Firm Point-to-Point Transmission Service Agreement dated June 30, 1998, Docket No. ER98–3714–000.

Copy of the cancellation has been served to Tractebel Energy Marketing, Inc.

Comment date: September 17, 2001, in accordance with Standard Paragraph E at the end of this notice.

18. Xcel Energy Services Inc.

[Docket No. ER01–2945–000]

Take notice that on August 27, 2001 Xcel Energy Services Inc. (XES), on behalf of Northern States Power Companies (NSP) tendered for filing with the Federal Energy Regulatory Commission (Commission) a Long-Term Market-Based Electric Service Agreement between NSP and New Ulm Public Utilities. XES requests that this Short-Term Market-Based Electric Service Agreement be made effective on July 30, 2001.

Comment date: September 17, 2001, in accordance with Standard Paragraph E at the end of this notice.

19. Virginia Electric and Power Company

[Docket No. ER01–2946–000]

Take notice that Virginia Electric and Power Company (the Company) on August 27, 2001, tendered for filing with the Federal Energy Regulatory Commission (Commission or FERC) the following Service Agreement by Virginia Electric and Power Company to Enron Power Marketing, Inc., designated as Service Agreement No. 3, under the Company's short-form market-based rate tariff, FERC Electric Tariff, Original Volume No. 6.

The foregoing Service Agreement is tendered for filing under the Company's short-form market-based rate tariff, FERC Electric Tariff, Original Volume No. 6, effective on June 15, 2000. The Company requests an effective date of July 25, 2001.

Copies of the filing were served upon Enron Power Marketing, Inc., the Virginia State Corporation Commission, and the North Carolina Utilities Commission.

Comment date: September 17, 2001, in accordance with Standard Paragraph E at the end of this notice.

20. Wisconsin Electric Power Company

[Docket No. ER01–2947–000]

Take notice that on August 27, 2001, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing a Standby Delivery Service Agreement (Agreement) between Wisconsin Electric and the City of Kiel (the City) under which Wisconsin Electric will provide 24.9 kV standby delivery service to the City. The Agreement is being designated as Wisconsin Electric Power Company Rate Schedule No. 103.

Wisconsin Electric requests waiver of the Commission's notice of filing requirements to allow the Agreement to become effective on January 1, 2001. A refund calculation would result in zero refunds because billings to the customer under this Agreement have not been made as of this filing date.

Copies of the filing have been served on the City, the Michigan Public Service Commission, and the Public Service Commission of Wisconsin.

Comment date: September 17, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–22583 Filed 9–7–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

September 4, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* A New Major License.

b. *Project No.:* P–2042–013.

c. *Date filed:* January 21, 2000.

d. *Applicant:* Public Utility District No. 1 of Pend Oreille County.

e. *Name of Project:* Box Canyon Hydroelectric Project.

f. *Location:* On the Pend Oreille River, in Pend Oreille County, Washington and Bonner County, Idaho. About 709 acres within the project boundary are located on lands of the United States, including Kalispel Indian Reservation (493 acres), U.S. Forest Service Colville National Forest (182.93 acres), U.S. Department of Energy, Bonneville Power Administration (24.14 acres), U.S. Fish and Wildlife Service (2.45 acres), U.S. Army Corps of Engineers (5.29 acres), and U.S. Bureau of Land Management (1.44 acres).

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. §§ 791(a)—825(r).

h. *Applicant Contact:* Mr. Mark Cauchy, Public Utility District No. 1 of Pend Oreille County, 130 North Washington St., Newport, WA 99156; (509) 447–9331

i. *FERC Contact:* Mr. Timothy Welch, E-mail: Timothy.Welch@FERC.FED.US or telephone (202) 219–2666.

j. *Deadline for filing comments, recommendations, terms and conditions and prescriptions:* 60 days from the date of issuance of this notice.

All documents (original and eight copies should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Comments, recommendations, terms and conditions, and prescriptions may be filed electronically, as well as protests and interventions, via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site (*http://www.ferc.gov*) under the ''e-Filing'' link.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the

official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted and is ready for environmental analysis at this time.

l. *Description of the Project:* The Box Canyon Project is located in the northeast corner of Washington state in Pend Oreille County. The project dam is located at river mile 34.4 from the Pend Oreille River's confluence with the Columbia River. The site is 13 miles from the Canadian border, 14 miles from the Idaho border, and 90 miles north of city of Spokane, WA. The existing Box Canyon Project consists of : (1) 46-foot-high, 160-foot-long reinforced concrete dam with integral spillway, (2) 217-foot-long, 35-foot-diameter diversion tunnel, (3) 1,170-foot-long forebay channel, (4) auxiliary spillway, (5) powerhouse containing four generating units with a combined capacity of 72 MW, (6) 8,850-acre reservoir at maximum operating pool elevation of 2030.6 feet, and other associated facilities. PUD No.1 operates the project in a run-of-river mode.

PUD No.1 proposes to upgrade all four turbines with new high efficiency, fish-friendly runners and to rewind the four generators to increase generating capacity to 90 MW. No new structures will be built and no construction in the river will be required. No operational changes will be needed although peak flow through each turbine will be increased from 6,850 cfs to 8,100 cfs which will ultimately result in an 8% increase in average annual energy output.

m. A copy of the application is on file with the Commission and is available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link-select ''Docket #'' and follow the instructions (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h. above.

n. The Commission directs, pursuant to section 4.34(b) of the Regulations (see order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. All reply comments must be filed with the Commission within 105 days from the date of this notice.

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title ''COMMENTS,'' ''REPLY COMMENTS,'' ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' OR ''PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–22585 Filed 9–7–01; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7052–9]

EPA Science Advisory Board; Notification of Public Advisory Committee Teleconference Meeting

Summary—Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Clean Air Scientific Advisory Committee (CASAC) Subcommittee on Particle Monitoring will meet in a public teleconference on Monday, October 1, 2001 from 11 am to 2 pm Eastern Time. The meeting will be hosted out of Conference Room 6013, US EPA, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20004. The meeting is open to the public, however, due to limited space, seating will be on a registration-only basis. Consequently, the public is encouraged to connect via phone to the teleconference. For further information concerning the meeting, or how to register and obtain the phone number, please contact the individuals listed below.

Background—The CASAC Subcommittee on Particle Monitoring (formerly the CASAC Technical Subcommittee for Fine Particle Monitoring) was established in 1996 to provide advice and comment to EPA (through CASAC) on appropriate methods and network strategies for monitoring fine particles in the context of implementing the revised national ambient air quality standards (NAAQS) for particulate matter. The Subcommittee's last meeting/workshop was held on January 22, 2001 (see 66 FR 1343, January 8, 2001 for additional details).

Purpose of the Meeting—This Consultation meeting will be used to comment on EPA's proposed methodology for measuring coarse particulate matter and to discuss alternative approaches to accommodate existing and emerging technologies. The Subcommittee is asked to suggest alternative approaches to EPA's proposed methodology for measuring coarse particulate matter. In the discussion of such approaches, the subcommittee should consider the use of performance based equivalency standards and implementation mechanisms that encourage the use of continuous methods while retaining adequate quality control of data. In addition to continuous methods, the subcommittee is asked to consider the feasibility of incorporating existing integrated methods such as the high volume PM10 sampler and dichotomous samplers into a future PM coarse network. The Subcommittee also is asked to comment on basic network considerations such as the number and location of future PM coarse sites and the frequency for chemical speciation analysis.

Availability of Review Materials—Dr. Russell Wiener can be contacted for information regarding EPA's proposed coarse reference method (919–541–1910).

For Further Information—Members of the public wishing to register for the teleconference or gain access to the conference room on the day of the meeting must contact Ms. Rhonda Fortson, Management Assistant, Clean Air Scientific Advisory Committee, EPA Science Advisory Board (1400A), Suite 6450, U.S. EPA, 1200 Pennsylvania Avenue, NW, Washington, DC 20460; telephone/voice mail at (202) 564–4563; fax at (202) 501–0582; or via e-mail at *fortson.rhonda@epa.gov*. Those desiring additional information about the meeting, should contact Mr. Robert Flaak, Designated Federal Officer, Clean Air Scientific Advisory Committee, EPA Science Advisory Board (1400A), Suite

6450, U.S. EPA, 1200 Pennsylvania Avenue, NW, Washington, DC 20460; telephone/voice mail at (202) 564–4546; fax at (202) 501–0582; or via e-mail at *flaak.robert@epa.gov*. A copy of the draft agenda will be posted on the SAB Web site (*www.epa.gov/sab*) (under the AGENDAS subheading) approximately 12 days before the meeting. The Agenda may also be obtained from Ms. Fortson at the same time.

Members of the public who wish to make a brief oral presentation must contact Mr. Flaak in writing (by letter or by fax—see previously stated information) no later than 12 noon Eastern Time, Monday, September 24, 2001 in order to be included on the Agenda. Public comments will be limited to approximately three to five minutes per speaker or organization, with a total time of fifteen minutes overall for all speakers. Written comments must be received no later than the day prior to the meeting, preferably in electronic format (see below for details).

Providing Oral or Written Comments at SAB Meetings

It is the policy of the EPA Science Advisory Board to accept written public comments of any length, and to accommodate oral public comments whenever possible. The EPA Science Advisory Board expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements. *Oral Comments:* In general, each individual or group requesting an oral presentation at a face-to-face meeting will be limited to a total time of ten minutes. For conference call meetings, opportunities for oral comment will usually be limited to no more than three minutes per speaker and no more than fifteen minutes total, unless otherwise stated. Deadlines for getting on the public speaker list for a meeting are given above. Speakers should bring at least 35 copies of their comments and presentation slides for distribution to the reviewers and public at the meeting. *Written Comments:* Although the SAB accepts written comments until two days following the date of the meeting (unless otherwise stated above), written comments should be received in the SAB Staff Office at least one week prior to the meeting date so that the comments may be made available to the committee for their consideration. Comments should be supplied to the appropriate DFO at the address/contact information noted above in the following formats: One hard copy with original signature, and one electronic copy via e-mail (acceptable file formats: WordPerfect, Word, or Rich Text files (in IBM–PC/Windows 95/98 format). Those providing written comments and who attend the meeting are also asked to bring 25 copies of their comments for public distribution.

General Information—Additional information concerning the EPA Science Advisory Board, its structure, function, and composition, may be found on our Website (*http://www.epa.gov/sab*) and in The FY2000 Annual Report of the Staff Director which is available from the SAB Publications Staff at (202) 564–4533 or via fax at (202) 501–0256. Committee rosters, draft Agendas and meeting calendars are also located on our website.

Meeting Access—Individuals requiring special accommodation at this meeting, including wheelchair access to the conference room, should contact Mr. Flaak or Ms. Fortson at least five business days prior to the meeting so that appropriate arrangements can be made.

Dated: September 4, 2001.

Donald G. Barnes,

Staff Director, EPA Science Advisory Board.

[FR Doc. 01–22622 Filed 9–7–01; 8:45 am]

BILLING CODE 6560–50–U

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 5, 2001.

A. **Federal Reserve Bank of Richmond** (A. Linwood Gill, III, Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. Piedmont BankCorp, Statesville, North Carolina; to become a bank holding company by acquiring 100 percent of the voting shares of Piedmont Bank, Statesville, North Carolina.

B. Federal Reserve Bank of Atlanta (Cynthia C. Goodwin, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30309–4470:

1. Georgia Banking Company, Inc., Atlanta, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of Georgia Banking Company, Atlanta, Georgia.

In connection with this application, Applicant also has applied to acquire GBC Funding, Inc., Atlanta, Georgia, and thereby engage in mortgage lending activities pursuant to section 225.28(b)(1) of Regulation Y.

C. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. Prairieland Employee Stock Ownership Plan, Bushnell, Illinois; to acquire an additional 12.4 percent for a total of 45.85 percent, of the voting shares of Prairieland Bancorp, Inc., Bushnell, Illinois, and thereby indirectly acquire Farmers and Merchants State Bank of Bushnell, Bushnell, Illinois.

D. Federal Reserve Bank of Kansas City (Susan Zubradt, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. Leawood Bancshares, Inc., Leawood, Kansas; to become a bank holding company by acquiring 100 percent of the voting shares of Town & Country Bank (in organization), Leawood, Kansas.

Board of Governors of the Federal Reserve System, September 4, 2001.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 01–22591 Filed 9–7–01; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Committee on Vital and Health Statistics: Conference Call

Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services announces the following advisory committee telephone conference call.

Name: National Committee on Vital and Health Statistics (NCVHS). Subcommittee on Privacy and Confidentiality.

Time and Date: 11 a.m.–1 p.m., September 10, 2001.

Place: Conference Call, Dial in Number (800) 403–2010, Participant Code 478387.

Status: Open.

Purpose: The National Committee on Vital and Health Statistics in the statutory public advisory body to the Secretary of Health and Human Services in the area of health data, statistics, and health information policy. It is established by section 306(k) of the Public Health Service Act (42 U.S.C. 242k(k)), and its mandate includes advising the Secretary on the implementation of part C of title XI of the Social Security Act (42 U.S.C. 1320d through 1320d–8)(the Administrative Simplification provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Pub. L. 104–191).

The Subcommittee on Privacy and Confidentiality monitors major developments in health information privacy and confidentiality on behalf of the full Committee, makes recommendations to the full Committee and assists and advises the Department on implementation of the health information privacy provisions of HIPAA.

This meeting of the Subcommittee on Privacy and Confidentiality will be conducted as a conference call to continue subcommittee discussion following the hearing held on August 21, 22 and 23 regarding: (1) The effects of the HIPAA health information privacy regulation on research (both research in which treatment is given and records-based research); and (2) the regulation's provisions for use and disclosure of health information for marketing. During this conference call, draft recommendations will be developed on the implementation of the HIPAA privacy regulation (45 CFR parts 160 and 164) with respect to matters considered at the hearing. After the conference call, the Subcommittee will prepare a draft letter to HHS Secretary Thompson. The draft letter will contain recommendations, and it will be reviewed by the full National Committee on Vital and Health Statistics at the September 24–25 meeting.

The HIPAA privacy regulation and further information about it can be found on the web site of the HHS Office for Civil Rights, at http://www.hhs.gov/ocr/hipaa/. The regulation has been in effect since April 14, 2001. Most entities covered by the regulation must come into compliance by April 14, 2003, and many are beginning the process of implementation.

Additional information about the Conference Call will be provided on the NCVHS website at *http://www.ncvhs.hhs.gov* shortly before the Conference Call date.

Contact Person for More Information: Substantive program information may be obtained from Gail Horlick, M.S.W., J.D., Lead Staff Person for the NCVHS Subcommittee on Privacy and Confidentiality, Office of Research and Demonstrations, Program Analyst, National Immunization Program, Centers for Disease Control and Prevention, 1600 Clifton Road, NE., Mailstop E–62, Atlanta, Georgia 30333, telephone (404) 639–8345; or Majorie S. Greenberg, Executive Secretary, NCVHS, CDC, Room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone (301) 458–4245.

Information about the committee, including summaries of past meetings and a roster of committee members, is available on the Committee's website at *http://www.ncvhs.hhs.gov*.

Dated: August 29, 2001.

James Scanlon,

Director, Division of Data Policy.

[FR Doc. 01–22576 Filed 9–7–01; 8:45 am]

BILLING CODE 4151–05–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Diseases Transmitted Through the Food Supply

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of annual update of list of infectious and communicable diseases that are transmitted through handling the food supply and the methods by which such diseases are transmitted.

SUMMARY: Section 103(d) of the Americans with Disabilities Act of 1990, Public Law 101–336, requires the Secretary to publish a list of infectious and communicable diseases that are transmitted through handling the food supply and to review and update the list annually. The Centers for Disease Control and Prevention (CDC) published a final list on August 16, 1991 (56 FR 40897) and updates on September 8, 1992 (57 FR 40917); January 13, 1994 (59 FR 1949); August 15, 1996 (61 FR 42426); September 22, 1997 (62 FR 49518–9); September 15, 1998 (63 FR 49359), September 21, 1999 (64 FR 51127); and September 27, 2000 (65 FR 58088). No new information that would warrant additional changes has been received; therefore the list, as set forth in the last update and below, remains unchanged.

EFFECTIVE DATE: September 10, 2001.

FOR FURTHER INFORMATION CONTACT: Dr. Art Liang, National Center for Infectious Diseases, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, NE., Mailstop G–24, Atlanta, Georgia 30333, telephone (404) 639–2213.

SUPPLEMENTARY INFORMATION: Section 103(d) of the Americans with Disabilities Act of 1990, 42 U.S.C. 12113(d), requires the Secretary of Health and Human Services to:

1. Review all infectious and communicable diseases which may be transmitted through handling the food supply;

2. Publish a list of infectious and communicable diseases which are transmitted through handling the food supply;

3. Publish the methods by which such diseases are transmitted; and,

4. Widely disseminate such information regarding the list of diseases and their modes of transmissibility to the general public.

Additionally, the list is to be updated annually. Since the last publication of the list on September 27, 2000 (65 FR 58088), CDC has received no information to indicate that additional unlisted diseases are transmitted through handling the food supply. Therefore, the list set forth below is unchanged from the list published in the **Federal Register** on September 27, 2000.

I. Pathogens Often Transmitted by Food Contaminated by Infected Persons Who Handle Food, and Modes of Transmission of Such Pathogens

The contamination of raw ingredients from infected food-producing animals and cross-contamination during processing are more prevalent causes of foodborne disease than is contamination of foods by persons with infectious or contagious diseases. However, some pathogens are frequently transmitted by food contaminated by infected persons. The presence of any one of the following signs or symptoms in persons who handle food may indicate infection by a pathogen that could be transmitted to others through handling the food supply: diarrhea, vomiting, open skin sores, boils, fever, dark urine, or jaundice. The failure of food-handlers to wash hands (in situations such as after using the toilet, handling raw meat, cleaning spills, or carrying garbage, for example), wear clean gloves, or use clean utensils is responsible for the foodborne transmission of these pathogens. Non-foodborne routes of transmission, such as from one person to another, are also major contributors

in the spread of these pathogens. Pathogens that can cause diseases after an infected person handles food are the following:

Caliciviruses (Norwalk and Norwalk-like viruses)
Hepatitis A virus
Salmonella typhi
Shigella species
Staphylococcus aureus
Streptococcus pyogenes

II. Pathogens Occasionally Transmitted by Food Contaminated by Infected Persons Who Handle Food, But Usually Transmitted by Contamination at the Source or in Food Processing or by Non-foodborne Routes

Other pathogens are occasionally transmitted by infected persons who handle food, but usually cause disease when food is intrinsically contaminated or cross-contaminated during processing or preparation. Bacterial pathogens in this category often require a period of temperature abuse to permit their multiplication to an infectious dose before they will cause disease in consumers. Preventing food contact by persons who have an acute diarrheal illness will decrease the risk of transmitting the following pathogens:

Campylobacter jejuni
Cryptosporidium parvum
Entamoeba histolytica
Enterohemorrhagic Escherichia coli
Enterotoxigenic Escherichia coli
Giardia lamblia
Nontyphoidal Salmonella
Taenia solium
Vibrio cholerae 01
Yersinia enterocolitica

References

1. World Health Organization. Health surveillance and management procedures for food-handling personnel: report of a WHO consultation. World Health Organization technical report series; 785. Geneva: World Health Organization, 1989.

2. Frank JF, Barnhart HM. Food and dairy sanitation. In: Last JM, ed. Maxcy-Rosenau public health and preventive medicine, 12th edition. New York Appleton-Century-Crofts, 1986:765–806.

3. Bennett JV, Holmberg SD, Rogers MF, Solomon SL. Infectious and parasitic diseases. In: Amler RW, Dull HB, eds. Closing the gap: the burden of unnecessary illness. New York: Oxford University Press, 1987:102–114.

4. Centers for Disease Control and Prevention. Locally acquired neurocysticercosis—North Carolina, Massachusetts, and South Carolina, 1989–1991. MMWR 1992; 41:1–4.

5. Centers for Disease Control and Prevention. Foodborne Outbreak of Cryptosporidiosis-Spokane, Washington, 1997. MMWR 1998; 47:27.

Dated: September 4, 2001.

James D. Seligman,

Associate Director for Program Services Centers for Disease Control and Prevention.

[FR Doc. 01–22598 Filed 9–7–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Child Care and Development Fund Annual Financial Report for Tribes (ACF–696T).

OMB No.: 0970–0195.

Description: The Child Care and Development Fund (CCDF) annual financial reporting form (ACF–696T) provides a mechanism for Indian Tribes to report expenditures under the CCDF program. The CCDF program provides funds to Tribes, as well as States and Territories, to assist low-income families in obtaining child care so that they can work or attend training/education, and to improve the quality of care. Information collected via the ACF–696T allows the Administration for Children and Families (ACF) to monitor expenditures and to estimate outlays and may be used to prepare ACF budget submissions to Congress. This information collection is a revised version of the currently-used ACF–696T for which Office of Management and Budget (OMB) approval expires on February 28, 2002.

Respondents: Indian Tribes and Tribal Organizations that are CCDF grantees.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ACF–696T	232	1	8	1856
Estimated Total Annual Burden Hours				1856

In compliance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarify of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: September 4, 2001.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 01–22607 Filed 9–7–01; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Notice of Senior Executive Service Performance Review Board Membership

The Health Resources and Services Administration (HRSA) announces the appointment of members to the HRSA Senior Executive Service (SES) Performance Review Board (PRB). This action is being taken in accordance with Title 5, U.S.C., Section 4314(c)(4) of the Civil Service Reform Act of 1978, which requires members of performance review boards to be published in the **Federal Register**.

The function of the PRB is to ensure consistency, stability and objectivity in SES performance appraisals, and to make recommendations to the Administrator, HRSA, relating to the performance of senior executives in the Agency.

The following persons will serve on the HRSA SES Performance Review Board:

Thomas G. Morford, Neil Sampson, James J. Corrigan, Katherine M. Marconi, Mary J. Horner, Douglas Morgan, Patricia L. Mackey, Catherine A. Flickinger, Merle G. McPherson, William D. Hobson, Marcia K. Brand, Peter C. van Dyck, James Macrae, Jon L. Nelson, Denise H. Geolot, Wayne C. Richey, Sharon Holston.

For further information about the HRSA Performance Review Board, contact Ms. Wendy Ponton, HRSA Office of Human Resources and Development, 5600 Fishers Lane, Room 14A43, Rockville, Maryland 20857.

Dated: August 24, 2001.

Elizabeth M. Duke,

Acting Administrator, Health Resources and Services Administration.

[FR Doc. 01–22578 Filed 9–7–01; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4463–N–07]

Mortgage and Loan Insurance Program Under the National Housing Act—Debenture Interest Rates

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, (HUD).

ACTION: Notice of Change in Debenture Interest Rates.

SUMMARY: This notice announces changes in the interest rates to be paid on debentures issued with respect to a loan or mortgage insured by the Federal Housing Commissioner under the provisions of the National Housing Act (the ''Act''). The interest rate for debentures issued under section 221(g)(4) of the act during the 6-month period beginning July 1, 2001 is 6¾ percent. The interest rate for debentures issued under any other provision of the Act is the rate in effect on the date that the commitment to insure the loan or mortgage was issued, or the date that the loan or mortgage was endorsed (or initially endorsed if there are two or more endorsements) for insurance, whichever rate is higher. The interest rate for debentures issued under these other provisions with respect to a loan or mortgage committed or endorsed during the 6-month period beginning July 1, 2001, is 5⅞ percent.

FOR FURTHER INFORMATION CONTACT: James B. Mitchell, Department of Housing and Urban Development, 451 7th Street, SW., Room 6164, Washington, DC 20410. Telephone (202) 708–3944, extension 2612, or TDD (202) 708–4594 for hearing- or speech-impaired callers. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Section 224 of the National Housing Act (24 U.S.C. 1715o) provides that debentures issued under the Act with respect to an insured loan or mortgage (except for debentures issued pursuant to section 221(g)(4) of the Act) will bear interest at the rate in effect on the date the commitment to insure the loan or mortgage was issued, or the date the loan or mortgage was endorsed (or initially endorsed if there are two or more endorsements) for insurance, whichever rate is higher. This provision is implemented in HUD's regulations at 24 CFR 203.405, 203.479, 207.259(e)(6), and 220.830. These regulatory provisions state that the applicable rates of interest will be published twice each year as a notice in the **Federal Register**.

Section 224 further provides that the interest rate on these debentures will be set from time to time by the Secretary of HUD, with the approval of the Secretary of the Treasury, in an amount not in excess of the annual interest rate determined by the Secretary of the Treasury pursuant to a statutory formula based on the average yield of all outstanding marketable Treasury obligations of maturities of 15 or more years.

The Secretary of the Treasury (1) has determined, in accordance with the provisions of Section 224, that the statutory maximum interest rate for the period beginning July 1, 2001, is 5⅞ percent and (2) has approved the establishment of the debenture interest rate by the Secretary of HUD at 5⅞ percent for the 6-month period beginning July 1, 2001. This interest rate will be the rate borne by debentures issued with respect to any insured loan or mortgage (except for debentures issued pursuant to Section 221(g)(4) with an insurance commitment or endorsement date (as applicable) within the second 6 months of 2001.

For convenience of reference, HUD is publishing the following chart of debenture interest rates applicable to mortgages committed or endorsed since January 1, 1980:

Effective interest rate	On or after	Prior to
9½	Jan. 1, 1980	July 1, 1980.
9⅞	July 1, 1980	Jan 1, 1981.
11¾	Jan. 1, 1981	July 1, 1981.
12⅞	July 1, 1981	Jan. 1, 1982.
12¾	Jan. 1, 1982	Jan. 1, 1983.
10¼	Jan. 1, 1983	July 1, 1983.
10⅜	July 1, 1983	Jan. 1, 1984.
11½	Jan. 1, 1984	July 1, 1984.
13⅜	July 1, 1984	Jan. 1, 1985.
11⅝	Jan. 1, 1985	July 1, 1985.
11⅛	July 1, 1985	Jan. 1, 1986.
10¼	Jan. 1, 1986	July 1, 1986.
8¼	July 1, 1986	Jan. 1, 1987
8	Jan. 1, 1987	July 1, 1987.
9	July 1, 1987	Jan. 1, 1988.

Effective interest rate	On or after	Prior to
9⅛	Jan. 1, 1988	July 1, 1988.
9⅜	July 1, 1988	Jan. 1, 1989.
9¼	Jan. 1, 1989	July 1, 1989.
9	July 1, 1989	Jan. 1, 1990.
8⅛	Jan. 1, 1990	July 1, 1990.
9	July 1, 1990	Jan 1, 1991.
8¾	Jan. 1, 1991	July 1, 1991.
8½	July 1, 1991	Jan. 1, 1992.
8	Jan. 1, 1992	July 1, 1992.
8	July 1, 1992	Jan 1, 1993.
7¾	Jan. 1, 1993	July 1, 1993.
7	July 1, 1993	Jan. 1, 1994.
6⅝	Jan. 1, 1994	July 1, 1994.
7¾	July 1, 1994	Jan. 1, 1995.
8⅜	Jan. 1, 1995	July 1, 1995.
7¼	July 1, 1995	Jan. 1, 1996.
6½	Jan. 1, 1996	July 1, 1996.
7¼	July 1, 1996	Jan. 1, 1997.
6¾	Jan. 1, 1997	July 1, 1997.
7⅛	July 1, 1997	Jan. 1, 1998.
6⅜	Jan. 1, 1998	July 1, 1998.
6⅛	July 1, 1998	Jan. 1, 1999.
5½	Jan. 1, 1999	July 1, 1999.
6⅛	July 1, 1999	Jan. 1, 2000.
6½	Jan. 1, 2000	July 1, 2000.
6½	July 1, 2000	Jan. 1, 2001.
6	Jan. 1, 2001	July 1, 2001.
5 ⅞	July 1, 2001	Jan. 1, 2002.

Section 221(g)(4) of the Act provides that debentures issued pursuant to that paragraph (with respect to the assignment of an insured mortgage to the Secretary) will bear interest at the ''going Federal rate'' of interest in effect at the time the debentures are issued. The term ''going Federal rate'' is defined to mean the interest rate that the Secretary of the Treasury determines, pursuant to a statutory formula based on the average yield on all outstanding marketable Treasury obligations of 8– to 12–year maturities, for the 6-month periods of January through June and July through December of each year. Section 221(g)(4) is implemented in the HUD regulations at 24 CFR 221.790.

The Secretary of the Treasury has determined that the interest rate to be borne by debentures issued pursuant to Section 221(g)(4) during the 6-month period beginning July 1, 2001, is 6¾ percent.

HUD expects to publish its next notice of change in debenture interest rates in December 2001.

The subject matter of this notice falls within the categorical exemption from HUD's environmental clearance procedures set forth in 24 CFR 50.19(c)(6). For that reason, no environmental finding has been prepared for this notice.

(Sections 211, 221, 224, National Housing Act, 12 U.S.C. 1715b, 1715*l*, 1715o; Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Dated: August 27, 2001.

John C. Weicher,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 01–22565 Filed 9–7–01; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of Draft Recovery Goals for Four Endangered Fishes of the Colorado River Basin

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: To further the recovery of humpback chub (*Gila cypha*), bonytail (*Gila elegans*), Colorado pikeminnow (formerly named Colorado squawfish; *Ptychocheilus lucius*), and razorback sucker (*Xyrauchen texanus*), we, the Fish and Wildlife Service announce the availability of draft recovery goals for these endangered fishes of the Colorado River Basin. This information will serve as a supplement and amendment to the respective existing recovery plans for each species. The draft recovery goals for each species provide objective, measurable recovery criteria for downlisting and delisting that identify levels of demographic and genetic viability needed for self-sustaining populations and site-specific management actions/tasks needed to minimize or remove threats. We solicit review and comment from agencies and the public on these draft recovery goals. Reviewers should pay particular attention to the application of existing demographic and genetic data in the development of minimum viable population (MVP) standards and the downlisting and delisting monitoring periods associated with each species.

SUPPLEMENTARY INFORMATION: The purpose of these supplements and amendments are to describe site-specific management actions/tasks; provide objective, measurable recovery criteria; and provide estimates of the time required to achieve recovery of each of the four endangered fish species. The recovery goals for the humpback chub, razorback sucker, and bonytail are identified by two recovery units, upper basin (above Glen Canyon Dam, Arizona) and lower basin. Recovery of the Colorado pikeminnow is currently considered only for the upper basin. Downlisting and delisting criteria by listing factors and management actions, as well as demographic criteria, are presented for populations of each species within recovery units. In addition, updated life-history information, statistical criteria for monitoring, and estimated time to achieve downlisting and delisting requirements are also identified. These serve as supplements and amendments to the recovery plans by providing more

specific objective and measurable criteria to recover each of the four fish species.

Copies of the Draft Recovery Goals will be mailed to interested parties upon request. The documents are also available (in *.pdf format) for viewing and downloading at: *http://www.r6.fws.gov/crrip/rg.htm*. Make requests and mail comments to the Director at the address below. You may submit comments by sending electronic mail (e-mail) to: colorivgoals @ fws.gov.

DATES: The agency must receive comments on or before October 25, 2001.

ADDRESSES: Mail comments and requests to Dr. Robert Muth, Director, Upper Colorado River Endangered Fish Recovery Program, U.S. Fish and Wildlife Service, Post Office Box 25486, DFC, Denver, Colorado, 80225. See **SUPPLEMENTARY INFORMATION** for information about electronic filing.

FOR FURTHER INFORMATION CONTACT: Dr. Robert Muth, Director (extension 268), Dr. Thomas Czapla (extension 228) or Ms. Debra Felker (extension 227), Coordinators (see **ADDRESSES** above), at telephone (303) 969–7322.

Dated: August 20, 2001.

Ralph O. Morgenweck,

Regional Director, Denver, CO.

[FR Doc. 01–22602 Filed 9–7–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Status of the Wasatch Front Population of the Spotted Frog

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service) announce our intent to prepare a status review and a revised 12-month finding for the Wasatch Front population of the spotted frog (*Rana luteiventris*).

DATES: Comments and information for our use in preparing the status review and revised 12-month finding will be accepted until November 9, 2001.

ADDRESSES: Questions and comments concerning this status review should be sent to Henry Maddux, Field Supervisor, U.S. Fish and Wildlife Service, 145 East 1300 South, Suite 404, Salt Lake City, Utah 84115. Written comments and materials also should be directed to the same address. Copies of our 1995 status review and 12-month finding are available on the web at <http://mountain-prairie.fws.gov/spottedfrog>. Comments can be provided via e-mail to <fw6_spottedfrog@fws.gov>. Comments and materials received will be available on request for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Jessica L. Gourley, Fish and Wildlife Biologist (see **ADDRESSES** section), telephone (801) 524–5001, e-mail <jess_gourley@fws.gov>.

SUPPLEMENTARY INFORMATION:

Background

On May 1, 1989, we received a petition from the Board of Directors of the Utah Nature Study Society requesting that the Service add the spotted frog (then referred to as *Rana pretiosa*) to the List of Threatened and Endangered Species. The petition addressed the range-wide distribution of the spotted frog that included a main population in southeast Alaska, Alberta, British Columbia, eastern Washington, northeastern Oregon, northern and central Idaho, and western Montana and Wyoming, Utah, and additional disjunct populations in northeastern California, southern Idaho, Nevada, and western Washington and Oregon. The disjunct populations in Utah occur along the Wasatch Front and West Desert. The petition specifically requested that we consider the status of the Wasatch Front population.

The spotted frog belongs to the family of true frogs, the Ranidae. Adult frogs have large, dark spots on their backs and pigmentation on their abdomens varying from yellow to red (Turner 1957). Spotted frogs along the Wasatch Front generally possess a salmon color ventrally, while West Desert and Sanpete County, Utah, populations [[Page 16219]] generally have a yellow to yellow-orange color ventrally. Spotted frogs in Utah are reported to have fewer and lighter colored spots (Colburn, U.S. Fish and Wildlife Service, pers. comm. 1992) than other populations. The spotted frog is closely associated with water (Dumas 1966, Nussbaum et al. 1983). Habitat includes the marshy edges of ponds, lakes, slow-moving cool water streams and springs (Licht 1974; Nussbaum *et al.* 1983; Morris and Tanner 1969; Hovingh 1987).

Section 4(b)(3)(B) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 et seq.), requires that we make a finding on whether a petition to list, delist or reclassify a species presents substantial scientific or commercial information indicating that the petitioned action is—(a) not warranted; (b) warranted; or (c) warranted but precluded from immediate proposal by other pending listing proposals of higher priority. We subsequently published a notice of a 90-day finding in the **Federal Register** (54 FR 42529) on October 17, 1989, and a notice of the 12-month petition finding in the **Federal Register** (58 FR 27260) on May 7, 1993. In the 12-month petition finding we concluded that listing of the spotted frog as threatened in some portions of its range was warranted but precluded by other higher priority listing actions. Both distinct populations in Utah, the Wasatch Front and West Desert populations, were found to be warranted but precluded and were designated as candidates for listing. The Wasatch Front population was assigned a listing priority number of 3 because the magnitude of the threats were high and imminent, while the West Desert population was assigned a listing priority of 9 because of moderate to low threats.

Our warranted but precluded finding identified that habitat loss and modification from reservoir construction and from urban and agricultural developments was a primary cause of the decline in the Wasatch Front population (Dennis Shirley, pers. comm. 1992). Degradation of spring habitats and water quality from cattle grazing and other agricultural activities in these limited habitats were identified as potential threats to the spotted frog of the West Desert population (Hovingh 1987; Peter Hovingh, pers. comm. 1992; Dennis Shirley, pers. comm. 1992).

On November 28, 1997, we announced the availability of a Draft Conservation Agreement for the Wasatch Front and West Desert populations (Utah) of spotted frog for review and comment (62 FR 63375). We subsequently signed the Conservation Agreement on February 13, 1998. The goal of this agreement developed by the Utah Department of Natural Resources in cooperation with the Bureau of Land Management, Bureau of Reclamation, Utah Reclamation Mitigation and Conservation Commission, Central Utah Water Conservancy District, the Confederated Tribes of the Goshute Federation, and the Service, was to ensure the long-term conservation of the spotted frog within its historical range in Utah. Due to numerous activities and studies in addition to and pursuant with the Conservation Agreement, we determined that the status of the species in Utah had improved and issued a new 12-month petition finding of ''not

warranted'' on April 2, 1998 (63 FR 16218).

On June 8, 1999, a complaint was filed by the Biodiversity Legal Foundation and Peter Hovingh challenging the ''not warranted'' finding as violating the ESA and the Administrative Procedure Act. The complaint alleged that the ''not warranted'' finding was inconsistent with the 8 years of prior determinations by the Service that the spotted frog deserved ESA listing, that spotted frog populations had declined during the course of the 8-year administrative process, that the Conservation Agreement contained future and voluntary actions that had yet to be implemented and had not proven successful at protecting spotted frog populations prior to the ''not warranted'' decision, and that all measures identified by the Service as having previously been implemented had either failed, had been rejected by the Service as inadequate, or were adopted to mitigate specific projects that had already destroyed spotted frogs and their wetland and aquatic habitat.

On August 6, 2001, a settlement was reached between the plaintiffs and the Government regarding this complaint. The settlement stipulates that we remand for reconsideration the ''not warranted'' finding and start a new status review and 12-month finding on the Wasatch Front population of the spotted frog. The revised finding is to be completed by July 31, 2002. The agreement also states that we will not vacate our previous determination in the interim. Therefore, the candidate status of the species will not be restored unless and until we determine in the revised 12-month finding that the species is warranted for listing, or warranted but precluded from listing by higher listing priority actions.

References Cited

A complete list of all references cited is available upon request from the Utah Field Office (see **ADDRESSES** section).

Author

The primary author of this document is Jessica L. Gourley (see **ADDRESSES** section).

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: August 30, 2001.

Ralph O. Morgenweck,

Regional Director, Denver, CO.

[FR Doc. 01–22600 Filed 9–7–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of a Draft Environmental Assessment for the Mandalay Bank Protection Project (Demo) Terrebonne Parish, LA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

The Service announces the availability of the draft EA for the Mandalay Bank Protection Project. A more detailed description of the project is outlined in the **SUPPLEMENTARY INFORMATION** section below. A Copy of the draft EA may be obtained by sending a written request to the Service's Louisiana Field Office (see **ADDRESSES**). Requests must be made in writing to be processed. This notice is provided pursuant to NEPA regulations (40 CFR 1506.6).

The Service specifically requests information, views, and opinions from the public via this Notice on the Federal action, including the identification of any other aspects of the human environment not already identified in the Service's EA.

If you wish to comment, you may submit comments by any one of several methods. You may mail comments to the Service's Louisiana Field Office (see **ADDRESSES**). You also may comment via the internet to *''martha_segura@fws.gov''*. Please submit comments over the internet as an ASCII file avoiding the use of special characters and any form of encryption. Please also include your name and return address in your internet message. If you do not receive a confirmation from the Service that we have received your internet message, contact us directly at the telephone numbers listed below (see **FOR FURTHER INFORMATION**). Finally, you may hand deliver comments to the Service office listed below (see **ADDRESSES**). Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the administrative record. We will honor such requests to the extent allowable by law. There may also be circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and address, you must state this prominently at the beginning of your comments. We will not, however, consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

DATES: Written comments on the draft EA should be sent to the Service's Louisiana Field Office (see **ADDRESSES**) and should be received on or before October 10, 2001.

ADDRESSES: Persons wishing to review the draft EA may obtain a copy by writing to the Field Supervisor, U.S. Fish and Wildlife Service, 646 Cajundome Boulevard, Suite 400, Lafayette, Louisiana 70506. Documents will be available for public inspection by appointment during normal business hours at the Service's Louisiana Field Station (Attn: Martha Segura), or Mandalay National Wildlife Refuge, 3599 Bayou Black Drive, Houma, Louisiana 70360 (Attn: Paul Yakupzack). Written data or comments regarding the draft EA should be submitted to the Service's Louisiana Field Office. The data and comments must be submitted in writing to be adequately considered in the Service's decision-making process.

FOR FURTHER INFORMATION CONTACT: Ms. Martha Segura, Fish and Wildlife Biologist, (see **ADDRESSES** above), telephone: 337/291–3110 or 337/291–3100, facsimile: 337/291–3139.

SUPPLEMENTARY INFORMATION: The Mandalay Bank Protection Project (Demo), is being funded through the Coastal Wetlands Planning, Protection and Restoration Act on the Ninth Priority Project List as a Demonstration Project. The project purpose is to evaluate less-costly, effective alternatives to traditional rock rip-rap for protecting and restoring highly erodible banks along waterways traversing coastal wetlands.

The project is located in Mandalay National Wildlife Refuge along the southern bank of the Gulf Intracoastal Waterway (GIWW). The banks of the GIWW are severely eroded and there are many locations where the bank has ''blown out'', exposing the fragile interior marshes to erosion from the wakes and surges of passing boat and barge traffic. The preferred alternative is to install and evaluate four alternatives to rock rip-rap which would protect and restore these easily erodible banks.

Dated: August 30, 2001.

H. Dale Hall,

Acting Regional Director.

[FR Doc. 01–22601 Filed 9–7–01; 8:45 am]

BILLING CODE 4310–55–U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–920–09–1320–EL, WYW151133]

Belle Ayr 2000 Tract, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of competitive coal lease sale.

SUMMARY: Notice is hereby given that certain coal resources in the Belle Ayr 2000 Tract described below in Campbell County, Wyoming will be offered for competitive lease by sealed bid in accordance with the provisions of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 *et seq.*).

DATES: The lease sale will be held at 2 p.m., on Thursday, October 11, 2001. Sealed bids must be submitted on or before 4 p.m., on Wednesday, October 10, 2001.

ADDRESSES: The lease sale will be held in the First Floor Conference Room (Room 107) of the BLM, Wyoming State Office, 5353 Yellowstone Road, P.O. Box 1828, Cheyenne, Wyoming 82003. Sealed bids must be submitted to the Cashier, BLM, Wyoming State Office, at the address given above.

FOR FURTHER INFORMATION CONTACT: Julie Weaver, Land Law Examiner, or Melvin Schlagel, Coal Coordinator, at 307–775–6260 and 307–775–6257, respectively.

SUPPLEMENTARY INFORMATION: The coal estate of the Belle Ayr 2000 tract, Serial Number WYW151133, is being offered in response to a lease by application (LBA) request for a competitive sale filed by RAG Wyoming Land Company, a subsidiary of RAG American Coal Company. The application was filed on July 28, 2000, and was approved for processing as a maintenance tract by the Powder River Regional Coal Team on October 25, 2000. The tract is located in Campbell County approximately 11 miles south of Gillette, Wyoming, and is crossed by Bishop Road about 3 miles east of State Highway 59.

T.48 N., R. 71 W., 6th P.M., Wyoming
Sec. 28: Lots 3–6;
Sec. 29: Lots 1 and 6.
Containing 243.61 acres

All of the acreage offered has been determined to be suitable for mining assuming that Bishop Road is moved as planned. The surface estate of the tract is completely controlled by the applicant. There are no oil and gas wells on the tract but these rights are privately owned and are not included in this coal lease.

The tract is within the mine permit area for the Belle Ayr mine and contains surface mineable coal reserves in one primary seam currently being recovered at this mine. The in-place Wyodak seam averages about 76 feet thick on the LBA while the overburden averages about 192 feet thick.

The Belle Ayr LBA coal is ranked as subbituminous C. The overall average quality of the in-place reserves is 8490 BTU/lb., 30% moisture, 4.75% ash, 0.35% sulfur, and 1.02% sodium in the ash. These quality averages place the coal reserves near the middle of the range of coal quality currently being mined in the southern Powder River Basin in Campbell County.

The tract contains an estimated 31.4 million tons of mineable coal in the Wyodak seam. This estimate of reserves does not include any tonnage from localized seams or splits containing less than 5 feet of coal. Potential bidders must reduce this estimate to account for mining losses associated with thick seam recovery. The stripping ratio for the mineable reserves is approximately 3.0:1 (BCY/Ton).

The tract will be leased to the qualified bidder of the highest cash amount provided that the high bid equals the fair market value of the tract and other applicable requirements are met. The minimum bid for the tract is $100 per acre or fraction thereof. No bid that is less than $100 per acre, or fraction thereof, will be considered. The bids should be sent by certified mail, return receipt requested, or be hand delivered. The Cashier will issue a receipt for each hand-delivered bid. Bids received after 4 p.m., on Wednesday, October 10, 2001, will not be considered. The minimum bid is not intended to represent fair market value. The fair market value of the tract will be determined by the Authorized Officer after the sale.

The lease issued as a result of this offering will provide for payment of an annual rental of $3 per acre, or fraction thereof, and of a royalty payment to the United States of 12.5 percent of the value of coal produced by strip or auger mining methods and 8 percent of the value of the coal produced by underground mining methods. The value of the coal will be determined in accordance with 30 CFR 206.250.

Bidding instructions for the tract offered and the terms and conditions of the proposed coal lease are available from the BLM, Wyoming State Office at the addresses above. Case file documents, WYW151133, are available for inspection at the BLM, Wyoming State Office.

Dated: August 1, 2001.

Alan Rabinoff,

Deputy State Director, Minerals and Lands.

[FR Doc. 01–20777 Filed 9–7–01; 8:45 am]

BILLING CODE 4310–22–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701–TA–417–421 and 731–TA–953–963 (Preliminary)]

Carbon and Certain Alloy Steel Wire Rod From Brazil, Canada, Egypt, Germany, Indonesia, Mexico, Moldova, South Africa, Trinidad and Tobago, Turkey, Ukraine, and Venezuela

AGENCY: International Trade Commission.

ACTION: Institution of countervailing duty and antidumping investigations and scheduling of preliminary phase investigations.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase countervailing duty and antidumping investigations Nos. 701–TA–417–421 (Preliminary) and 731–TA–953–963 (Preliminary)[1] under sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)) (the Act) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of carbon and certain alloy steel wire rod,[2] provided for in subheadings 7213.91, 7213.99, 7227.20, and 7227.90.60 of the Harmonized Tariff Schedule of the United States, that are alleged to be subsidized by the

[1] Investigations Nos. 701–TA–417–421 (Preliminary) cover imports from Brazil, Canada, Germany, Trinidad and Tobago, and Turkey, respectively. Investigations Nos. 731–TA–953–963 (Preliminary) cover imports from Brazil, Canada, Egypt, Germany, Indonesia, Mexico, Moldova, South Africa, Trinidad and Tobago, Ukraine, and Venezuela, respectively.

[2] For purposes of these investigations, carbon and certain alloy steel wire rod is defined as hot-rolled bars and rods, in irregularly wound coils, of circular cross section, having a diameter of 5 mm or more but less than 19 mm, of non-alloy or alloy steel, except such bars and rods of free-machining steel or of alloy steel containing by weight 24 percent or more of nickel. Free-machining steel is any steel product containing by weight one or more of the following elements, in the specified proportions: 0.03 percent or more of lead, 0.05 percent or more of bismuth, 0.08 percent or more of sulfur, more than 0.04 percent of phosphorus, more than 0.05 percent of selenium, and/or more than 0.01 percent of tellurium. The investigations do not cover concrete reinforcing bars and rods, or bars and rods of stainless steel or tool steel.

Governments of Brazil, Canada, Germany, Trinidad and Tobago, and Turkey and by reason of such imports from Brazil, Canada, Egypt, Germany, Indonesia, Mexico, Moldova, South Africa, Trinidad and Tobago, Ukraine, and Venezuela that are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce extends the time for initiation pursuant to sections 702(c)(1)(B) and 732(c)(1)(B) of the Act (19 U.S.C. 1671a(c)(1)(B) and 1673a(c)(1)(B)), the Commission must reach a preliminary determination in countervailing duty and antidumping investigations in 45 days, or in this case by October 15, 2001. The Commission's views are due at Commerce within five business days thereafter, or by October 22, 2001.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

EFFECTIVE DATE: August 31, 2001.

FOR FURTHER INFORMATION CONTACT: Elizabeth Haines (202–205–3200), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at http://dockets.usitc.gov/eol/public.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in response to a petition filed on August 31, 2001, by counsel on behalf of Co-Steel Raritan, Inc., Perth Amboy, NJ; GS Industries, Inc., Charlotte, NC; Keystone Consolidated Industries, Inc., Dallas, TX; and North Star Steel Texas, Inc., Edina, MN.

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission countervailing duty and antidumping investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission's Director of Operations has scheduled a conference in connection with these investigations for 9:30 a.m. on September 21, 2001, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Elizabeth Haines (202–205–3200) not later than September 19, 2001, to arrange for their appearance. Parties in support of the imposition of countervailing and antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions.—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before September 26, 2001, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference no later than three days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

Issued: September 4, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–22590 Filed 9–7–01; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–435]

In the Matter of Certain Integrated Repeaters, Switches, Transceivers, and Products Containing Same; Notice of Decision Not To Review a Final Initial Determination, and Schedule for Filing of Written Submissions on the Issues of Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the final initial determination (''Final ID'') issued by the presiding administrative law judge (''ALJ'') on July 19, 2001, finding a violation of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, in the above-captioned investigation. The Commission also determined to deny the petition of respondent Altima Communications Inc. to supplement the evidentiary record in the investigation, and to grant the motion of complainants Intel Corporation and Level Communications, Inc. to strike portions of Altima Communications, Inc.'s petition for review.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W.,

Washington, D.C. 20436, telephone (202) 205–3115. Copies of the public versions of the final ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205–2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS–ON–LINE) at *http://dockets.usitc.gov/eol/public.*

SUPPLEMENTARY INFORMATION: This patent-based section 337 investigation was instituted on August 23, 2000, based upon a complaint filed on July 20, 2000, by Intel Corporation (''Intel'') and Level One Communications, Inc. (''Level One''). 65 FR 51327 (Aug. 23, 2000). The respondent is Altima Communications, Inc. (''Altima''). A second patent-based section 337 investigation naming Altima as a respondent was instituted on April 24, 2000, based upon a complaint filed by Level One on March 23, 2000, and supplemented on April 13, 2000. 65 FR 21789 (Apr. 24, 2000). On August 24, 2000, the ALJ issued an order consolidating the two investigations. From April 16, 2001, through April 30, 2001, the ALJ held an evidentiary hearing. On July 19, 2001, the ALJ issued a final ID finding that respondent Altima violated section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), by infringing certain claims of two of the complainants' asserted patents. The ALJ found that: (1) There has been importation and sale of the accused products; (2) complainants practice the patents in controversy and satisfy the domestic industry requirements of section 337; (3) certain of the claims in issue are valid; (4) the accused imported products directly infringe certain of the claims in issue; and (5) respondent has induced infringement of certain of the claims in issue. Based on these findings, the ALJ concluded there was a violation of section 337. The ALJ recommended issuance of a limited exclusion order.

Complainants Intel and Level One and respondent Altima filed petitions for review of various portions of the Final ID, and opposed each others' petitions for review. The Commission investigative attorney (IA) did not petition for review of the Final ID, but he opposed the other parties' petitions for review.

On August 1, 2001, Altima petitioned the Commission for leave to supplement the evidentiary record of the investigation. On August 8, 2001, Intel and Level One filed their opposition to Altima's petition to supplement, and moved to strike portions of respondent's petition for review related to materials that have not been admitted into evidence and are not part of the evidentiary record created in connection with the instant investigation. On August 13, 2001, the IA filed his opposition to Altima's petition to supplement.

Having examined the record in this investigation, including the Final ID, the petitions for review, and the responses thereto, the Commission determined not to review the Final ID; thus, the Commission has found a violation of section 337. Having also examined Altima's petition to supplement the evidentiary record, Intel and Level One's opposition to Altima's petition to supplement and Intel and Level One's motion to strike, the Commission has determined to deny Altima's petition to supplement and to grant Intel and Level One's motion to strike.

In connection with the final disposition of this investigation, the Commission may issue (1) an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) cease and desist orders that could result in respondent being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of the remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background see the Commission Opinion, In the Matter of Certain Devices for Connecting Computers via Telephone Lines, Inv. No. 337–TA–360, USITC Pub. No. 2843 (December, 1994).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond, in an amount determined by the Commission and prescribed by the Secretary of Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed.

WRITTEN SUBMISSIONS: The parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the July 19, 2001, recommended determination by the ALJ on remedy and bonding. Complainants and the Commission investigative attorney are also requested to submit proposed remedial orders for the Commission's consideration. The written submissions and proposed remedial orders must be filed no later than the close of business on September 19, 2001. Reply submissions must be filed no later than the close of business on September 26, 2001. No further submissions on these issues will be permitted unless otherwise ordered by the Commission. The target date for completion of the investigation is October 23, 2001.

Persons filing written submissions must file with the Office of the Secretary the original document and 14 true copies thereof on or before the deadlines stated above. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is requested will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and Subpart G of the Commission's Rules of Practice and Procedure (19 CFR Subpart G).

By order of the Commission.
Issued: September 5, 2001.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–22603 Filed 9–7–01; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importation of Controlled Substances; Notice of Application

Pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(i)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with § 1301.34 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on March 7, 2001, Applied Science Labs, Inc., A Division of Alltech Associates, Inc., 2701 Carolean Industrial Drive, P.O. Box 440, State College, Pennsylvania 16801, made application by renewal to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substance listed below:

Drug	Schedule
Heroin (9200)	I
Cocaine (9041)	II
Codeine (9050)	II
Meperidine (9230)	II
Methadone (9250)	II
Morphine (9300)	II

The firm plans to import these controlled substances for the manufacture of reference standards.

Any manufacturer holding, or applying for, registration as a bulk manufacturer of these basic classes of controlled substances may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.43 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than October 10, 2001.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1301.34(b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import the basic classes of any controlled substances in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1301.34(a), (b), (c), (d), (e), and (f) are satisfied.

Dated: August 30, 2001.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 01–22568 Filed 9–7–01; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importation of Controlled Substances; Application

Pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(i)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with § 1301.34 of Title 21, Code of Federal Regulations(CFR), notice is hereby given that on April 19, 2001, Lipomed, Inc., One Broadway, Cambridge, Massachusetts 02142, made application by renewal to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Cathinone (1235)	I
Methaqualone (2565)	I
Lysergic acid diethylamide (7315)	I
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I
Mescaline (7381)	I
3,4,5-Trimethoxyamphetamine (7390).	I
4-Bromo-2,5-dimethoxyamphetamine (7391).	I
4-Methyl-2,5-dimethoxyamphetamine (7395).	I
2,5-Dimethoxyamphetamine (7396).	I
2,5-Dimethoxy-4-ethylamphetamine (7399).	I
3,4-Methylenedioxyamphetamine (7400).	I
3,4-Methylenedioxy-N-ethylamphetamine (7404).	I
3,4-Methylenedioxymeth-amphetamine (7405)	I
Psilocybin (7437)	I
Psilocyn (7438)	I
Acetyldihydrocodeine (9051)	I
Dihydromorphine (9145)	I
Heroin (9200)	I
Tilidine (9750)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Amobarbital (2125)	II
Secobarbital (2315)	II
Phencyclidine (7471)	II
Cocaine (9041)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxocodone (9143)	II
Hydromorphone (9150)	II
Benzoylecgonine (9180)	II
Hydrocodone (9193)	II
Levorphanol (9220)	II
Methadone (9250)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273).	II
Morphine (9300)	II
Thebaine (9333)	II
Oxymorphone (9652)	II
Alfentanil (9737)	II
Fentanyl (9801)	II

The firm plans to import small reference standard quantities of finished commercial product from its sister company in Switzerland for sale to its customers for drug testing and pharmaceutical research and development.

Any manufacturer holding, or applying for, registration as a bulk manufacturer of these basic classes of controlled substances may file written comments on or objections to the application described above and may, at the same time, file a written request for hearing on such application in accordance with 21 CFR 1301.43 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed, in quintuplicate, to the Deputy Assistant

Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than October 10, 2001.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1301.34(b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import the basic classes of any controlled substances in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1301.34(a), (b), (c), (d), (e), and (f) are satisfied.

Dated: August 30, 2001.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 01–22567 Filed 9–7–01; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated December 4, 2000, and published in the **Federal Register** on January 10, 2001, (66 FR 2005), Organichem Corporation, 33 Riverside Avenue, Renssalaer, New York 12144, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Amphetamine (1100)	II
Pentobarbital (2270)	II
Methylphenidate (1724)	II
Meperidine (9230)	II

The firm plans to manufacture bulk products for distribution to its customers.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, section 823(a) and determined that the registration of Organichem Corporation to manufacture the listed controlled substances is consistent with the public interest at this time. DEA has investigated Organichem Corporation to ensure that the company's registration is consistent with the public interest. The investigation included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: August 30, 2001.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 01–22569 Filed 9–7–01; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By Notice dated August 7, 2000, and published in the **Federal Register** on August 18, 2000, (66 FR 50568), Penick Corporation, 158 Mount Olivet Avenue, Newark, New Jersey 07114, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Coca Leaves (9040)	II
Poppy Straw (9650)	II

The firm plans to import the listed controlled substances for the manufacture of bulk pharmaceutical controlled substances and non-controlled substance flavor extract.

DEA has considered the factors in Title 21, United States Code, section 823(a) and determined that the registration of Penick Corporation to import the listed controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated Penick Corporation to ensure that the company's registration is consistent with the public interest. This investigation included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations, § 1301.34, the above firm is granted registration as an importer of the basic classes of controlled substances listed above.

Dated: August 30, 2001.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 01–22570 Filed 9–7–01; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated June 14, 2000, and published in the **Federal Register** on June 26, 2000, (65 FR 39430), Penick Corporation, 158 Mount Olivet Avenue, Newark, New Jersey 07114, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Hydrocodone (9193)	II
Meperidine (9230)	II
Morphine (9300)	II
Thebaine (9333)	II
Opium extracts (9610)	II
Opium powdered (9639)	II

The firm plans to manufacture the listed controlled substances for distribution as bulk pharmaceutical products to its customers.

DEA has considered the factors in Title 21, United States Code, section 823(a) and determined that the registration of Penick Corporation to manufacture the listed controlled substances is consistent with the public interest at this time. DEA has investigated Penick Corporation to ensure that the company's registration is consistent with the public interest. This investigation included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823

and 28 CFR 0.100 and .0104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: August 30, 2001.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 01–22571 Filed 9–7–01; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Bureau of International Labor Affairs, Office of Foreign Relations; Questions and Answers for Solicitation for Cooperative Agreement Application (SGA) 01–10 Caribbean Labor Market Information System Market

AGENCY: Bureau of International Labor Affairs, Office of Foreign Relations, Labor.

ACTION: Notice.

SUMMARY: In response to the subject solicitation, inquiries have been received regarding the requirements of the solicitation. This notice publishes the inquiries and the responses to the inquiries. Due to the pending closing date of September 12, 2001 no further questions will be entertained.

FOR FURTHER INFORMATION CONTACT: Lisa Harvey, Department of Labor, Procurement Services Center, Room N–5416, 200 Constitution Ave., NW., Washington, DC 20210, Telephone (202) 219–9355, e-mail: *harvey_lisa@dol.gov.*

Q: Given the fact that detailed national plans can only be derived from on-site assessments within the individual countries with consensus-building exercises with government officials and the social partners, could you clarify what level of specificity is required regarding the implementation or redesign of the proposed surveys (i.e. labor force and occupational wage surveys)?

A: The level of specificity necessary for a complete and thorough demonstration of the applicant's abilities, and then for a thorough review and full consideration by the technical evaluation panel shall be determined by and is the responsibility of the applicant.

Q: Is USDOL proposing the implementation of a regional labor force survey and an occupational employment and wage that must be adopted by all countries rather than allowing the individual countries to develop surveys or refine existing surveys and collection techniques?

A: USDOL, in support of Caribbean government efforts to collect and report on data that can be aggregated regionally and compared across countries, is promoting the implementation of a standard labor force survey for the region. The survey would collect a core set of labor market data, from which individual countries could expand upon (but not subtract) at their discretion to collect additional relevant data to meet their particular information needs.

Q: If USDOL is proposing the implementation of multiple labor force surveys, could you identify which countries USDOL intends to target?

A: All of the countries listed in the SUMMARY section of the SGA.

Q: Could you clarify what is the distinction between (1) ''method for performing all the specific work * * *'' and (3) ''approach to producing all the required deliverables * * *''?

A: There is no distinction.

Q: Given that detailed national plans can only be derived from on-site needs analyses that feed into a consensus-building process involving the social partners, what level of specificity is required for regional and national workplans in the ''Technical Sample''?

A: The level of specificity necessary for a complete and thorough demonstration of the applicant's abilities, and then for a thorough review and full consideration by the technical evaluation panel shall be determined by and is the responsibility of the applicant.

Q: Will a bid be deemed responsive to the solicitation requirements if the workplans provided in the ''Technical Sample'' section include an indicative list of activities that will be finalized during project implementation in collaboration with national partners?

A: Yes.

Q: Is a separate budget required for each of the 13 national workplans? If so, given that training and other project activities will likely be conducted on a regional or multi-country level in many cases, how can 13 separate national budgets be developed for these shared and indivisible resources?

A: No.

Signed at Washington, DC this 5th day of September 2001.

Lawrence J. Kuss,

Grant Officer.

[FR Doc. 01–22606 Filed 9–7–01; 8:45 am]

BILLING CODE 4510–28–M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meeting

September 5, 2001.

TIME AND DATE: 10 a.m., Thursday, October 11, 2001.

PLACE: Room 6005, 6th Floor, 1730 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument on the following:

1. Kinder Morgan Operating L.P. ''C,'' Docket Nos. KENT 2000–128–R, etc. (Issues include whether the judge correctly determined that Kinder Morgan is engaged in ''the work of preparing the coal'' as defined in section 3(i) of the Mine Act, and that Kinder Morgan's marine terminal is therefore a ''coal or other mine'' under section 3(h)(1) of the Mine Act).

TIME AND DATE: 2 p.m., Thursday, October 11, 2001

PLACE: Room 6005, 6th Floor, 1730 K Street, NW., Washington, D.C.

STATUS: Closed [Pursuant to 5 U.S.C. § 552b(c)(10)].

MATTERS TO BE CONSIDERED: It was determined by a majority vote of the Commission that the Commission consider and act upon the following in closed session:

1. Kinder Morgan Operating L.P. ''C,'' Docket Nos. KENT 2000–128–R, etc. (see oral argument listing).

Any person attending an open meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 C.F.R. § 2706.150(a)(3) and § 2706.160(d).

CONTACT PERSON FOR MORE INFO: Jean Ellen (202) 653–5629 / (202) 708–9300 for TDD Relay / 1–800–877–8339 for toll free.

Jean H. Ellen,

Chief Docket Clerk.

[FR Doc. 01–22803 Filed 9–6–01; 3:40 pm]

BILLING CODE 6735–01–M

NATIONAL AREONAUTICS AND SPACE ADMINISTRATION

[Notice (01–108)]

NASA Advisory Council (NAC), Earth Science Data and Information Systems and Services Advisory Subcommittee (ESDISSAS); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Earth Systems Science and Applications Advisory Committee, Earth Science Data and Information Systems and Services Advisory Subcommittee.

DATES: Wednesday, October 3, 2001, 8:15 a.m. to 5:15 p.m.; and Thursday, October 4, 2001, 8:15 a.m. to 4 p.m.

ADDRESSES: NASA Headquarters, 300 E Street SW, Room MIC–7A, Washington, DC 20546

FOR FURTHER INFORMATION CONTACT: Ms. Martha Maiden, Code YS, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–1078.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Welcome and Introduction Comments
—State-of-the-Enterprise
—Earth Science Enterprise (ESE) Budget Overview
—ESE Data Systems and Services
—Earth Science Technology Office Broad Area Announcement and transition to usage Report from Earth Science Data and Information System Project
—New Data and Information Systems and Services (NewDISS) Report 1.0 Release Readiness
—NewDISS Formulation Status
—Earth Science Information Partners (ESIP) planning status
—Future of Federation and its Role in NewDISS
—New ESE Data Access Prioritization Group
—Summary of first day
—State of and Strategy for High-End Computing and Climate Modeling
—Data Policy for ESE Data Buys
—Overall Discussion and Recommendations
—General Discussion/Closing Remarks and Adjournment

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Beth McCormick,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 01–22572 Filed 9–7–01; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL INDIAN GAMING COMMISSION

Information Collection; Comment Request

AGENCY: National Indian Gaming Commission.

ACTION: Notice.

SUMMARY: The National Indian Gaming Commission (NIGC), in accordance with the Paperwork Reduction Act of 1995, is submitting to the Office of Management and Budget (OMB) a request to review and extend approval for the information collection activity associated with the issuance of a certificate of self-regulation for class II gaming to Indian tribes conducting gaming under the Indian Gaming Regulatory Act. The OMB will consider comments from the public on this information collection activity.

DATES AND ADDRESSES: Comments regarding the NIGC's evaluation of the information collection activity and its request to OMB to extend approval for the information collection must be received by October 15, 2001. When providing comment, a respondent should specify the particular collection activity to which the comment pertains. Send comments to: Office of Information and Regulatory Affairs (Attn: Desk Officer for the National Indian Gaming Commission), Office of Management and Budget, 725 17th Street NW., Washington, DC 20503. The NIGC regulation to which the information collection pertains is available on the NIGC website, *www.nigc.gov.* The regulation is also available by written request to the NIGC (Attn: Ms. Cindy Altimus), 1441 L Street NW., Suite 9100, Washington, DC, 20005, or by telephone request at (202) 632–7003. This is not a toll-free number. All other requests for information should be submitted to Ms. Altimus at the above address for the NIGC.

SUPPLEMENTARY INFORMATION:

Title: Issuance of Certificates of Self Regulation to Tribes for Class II Gaming.

OMB Number: 3141–0008.

Abstract: The Indian Gaming Regulatory Act, 25 U.S.C. 2701 *et seq.*, allows any Indian tribe that has conducted class II gaming for at least three years to petition the NIGC for a certificate of self-regulation for its class II gaming operations. The NIGC will issue the certificate if it determines from available information that the tribe has conducted its gaming activity in a manner which has resulted in an effective and honest accounting of all revenues, a reputation for safe, fair, and honest operation of the activity, and an enterprise free of evidence of criminal or dishonest activity. The tribe must also have adopted and implemented proper accounting, licensing, and enforcement systems and conducted the gaming operation on a fiscally or economically sound basis. The implementing regulation of the NIGC, 25 CFR part 518, requires a tribe interested in receiving the certificate to file a petition with the NIGC describing the tribe's gaming operations, its regulatory process, its tribal revenue allocation plan, and its accounting and record keeping systems for the gaming operation. The tribe must also provide copies of various documents in support of the petition. Submission of the petition and supporting documentation is voluntary. The NIGC will use the information submitted by the respondent tribe in making a determination on whether to issue the certificate of self-regulation.

Respondents: Indian tribes conducting class II gaming.

Estimated Number of Potential Respondents: 200.

Estimated Annual Voluntary of Responses: 5.

Estimated Annual Burden Per Voluntary Respondent: 130.

Estimated Total Annual Burden on Voluntary Respondents: 650.

Jacqueline Agtuca,

Chief of Staff.

[FR Doc. 01–22401 Filed 9–7–01; 8:45 am]

BILLING CODE 7565–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–237]

Exelon Generation Company, LLC; Dresden Nuclear Power Station, Unit 2; Exemption

1.0 Background

The Exelon Generation Company, LLC, (Exelon, or the licensee) is the holder of Facility Operating License No. DPR–19, which authorizes operation of the Dresden Nuclear Power Station, Unit 2. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

The facility consists of a boiling water reactor located in Grundy County, Illinois.

2.0 Request/Action

Title 10 of the Code of Federal Regulations (10 CFR), part 50, section

50.55a(g)(6)(ii)(B), Expedited Examination of Containment, requires that, by September 9, 2001, licensees of all operating nuclear power plants shall implement the inservice examinations for the first period of the first inspection interval specified in ASME Subsection IWE of the 1992 Edition with the 1992 Addenda in conjunction with the modifications specified in 10 CFR 50.55a(b)(2)(ix). The purpose of performing these containment inspections is to ensure the structural integrity of the containment. While some of the inservice examinations can be performed with the plant at power, due to radiological considerations, other examinations must be scheduled during plant outages.

The licensee recently upgraded their inservice examination program by implementing the 1998 Edition of ASME Section XI, Subsection IWE in place of the 1992 Edition. The staff approved this proposal by letter dated September 18, 2000. While the licensee intended to complete the required inservice examinations during the refueling outage of October 1999, the licensee subsequently determined that some of the examinations did not meet either the 1992 or 1998 Edition and, therefore, must be re-performed. Considering that the licensee's next scheduled refueling outage will be in October 2001, the licensee will be unable to complete all inservice examinations required by regulation unless a special outage, for the purpose of performing inservice examinations, is planned prior to September 9, 2001.

In consideration of the above, by letter dated December 8, 2000, and supplemented by letter dated February 2, 2001, the licensee requested a schedular exemption from implementation of inservice examinations of the containment by September 9, 2001, as required by 10 CFR 50.55a(g)(6)(ii)(B). The schedular exemption is requested to extend the implementation date by 90 days (i.e., to December 8, 2001) to allow completion of first period examinations during the next refueling outage, scheduled to begin in October 2001.

3.0 Discussion

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50, when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present. According to 10 CFR 50.12(a)(2)(iii), special circumstances are present whenever compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted. The requested schedular exemption is required to prevent a forced shutdown of the facility for the purpose of conducting inservice examinations prior to September 9, 2001. In addition, according to 10 CFR 50.12(a)(2)(v), special circumstances are also present whenever the exemption would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation. The requested exemption is only needed for a maximum of 90 days, to the start of the next scheduled refueling outage. The staff believes that the licensee made good faith efforts to complete the inservice examinations to satisfy the regulations during their last refueling outage of October 1999.

As described in the staff's safety evaluation dated August 31, 2001, the staff finds that: (1) The requested 90-day extension is a relatively short period that would not permit a significant increase in any degradation that has developed since the general visual examination performed during the most recent refueling outage conducted in October 1999, (2) a separate outage for the performance of containment inspections to meet the date of September 9, 2001, would present undue hardship and costs due to lost generation, and (3) an extra shutdown would increase radiological exposure. On this basis, the staff concludes that (1) the exemption requested by the licensee will not present an undue risk to the public health and safety, (2) to meet the date required by the regulation would result in undue hardship or other costs, and (3) the exemption would provide only temporary relief from the applicable regulation. Therefore, the exemption is authorized pursuant to 10 CFR 50.12(a).

4.0 Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not endanger life or property or common defense and security, and is, otherwise, in the public interest. Also, special circumstances are present. Therefore, the Commission hereby grants Exelon Nuclear an exemption from the requirements of 10 CFR 50.55a(g)(6)(ii)(B) for Dresden Nuclear Power Station, Unit 2.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (66 FR 45876).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 31st day of August 2001.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–22624 Filed 9–7–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Draft Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued for public comment a proposed revision of a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, DG–1109 (which should be mentioned in all correspondence concerning this draft guide), is ''Laboratory Investigations of Soils and Rocks for Engineering Analysis and Design of Nuclear Power Plants.'' This draft guide is a proposed Revision 1 of Regulatory Guide 1.138, and it is being revised to describe laboratory investigations and testing practices that are acceptable to the NRC staff for determining soil and rock properties and characteristics needed for engineering analysis and design for foundations and earthworks for nuclear power plants. The state of the art of laboratory testing practices of soils and rocks is reflected in existing national standards, and this guide recommends and references such standards where appropriate.

This draft guide has not received complete staff approval and does not represent an official NRC staff position.

Comments may be accompanied by relevant information or supporting data. Written comments may be submitted to the Rules and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Copies of comments received may be examined at the NRC Public Document Room, 11555 Rockville Pike,

Rockville, MD. Comments will be most helpful if received by December 10, 2001.

You may also provide comments via the NRC's interactive rulemaking Web site through the NRC home page *(http://www.nrc.gov).* This site provides the availability to upload comments as files (any format) if your web browser supports that function. For information about the interactive rulemaking Web site, contact Ms. Carol Gallagher, (301) 415–5905; e-mail *CAG@NRC.GOV*. For information about the draft guide and the related documents, contact Mr. J. Philip at (301)415–6211; e-mail *JXP@NRC.GOV*.

Although a time limit is given for comments on this draft guide, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the NRC's Public Document Room, 11555 Rockville Pike, Rockville, MD; the PDR's mailing address is USNRC PDR, Washington, DC 20555; telephone (301)415–4737 or (800)397–4205; fax (301)415–3548; e-mail *PDR@NRC.GOV*. Requests for single copies of draft or final guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Reproduction and Distribution Services Section; or by e-mail to *DISTRIBUTION@NRC.GOV;* or by fax to (301)415–2289. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 30th day of August 2001.

For the Nuclear Regulatory Commission.

Michael E. Mayfield,

Director, Division of Engineering Technology, Office of Nuclear Regulatory Research.

[FR Doc. 01–22625 Filed 9–7–01; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27435]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

August 31, 2001.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by September 25, 2001, to the Secretary, Securities and Exchange Commission, Washington, DC 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After September 25, 2001, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

FirstEnergy Corp., GPU, Inc., et al. (70–9793)

FirstEnergy Corp. (''FirstEnergy''), an Ohio holding company claiming exemption from registration under the Act through rule 2, its utility subsidiaries: Ohio Edison Company (''Ohio Edison''), American Transmission Systems, Incorporated (''ATSI''), The Cleveland Electric Illuminating Company (''Cleveland Electric''), The Toledo Edison Company (''Toledo Edison''), Pennsylvania Power Company (''Penn Power''), and Northeast Ohio Natural Gas Corp. (''NONGC''), and their respective subsidiaries; FirstEnergy's direct nonutility subsidiaries: FE Acquisition Corp. (''FE Acquisition''), FirstEnergy Properties, Inc. (''FE Properties''), FirstEnergy Facilities Services Group, LLC (''FE Facilities''), FE Holdings, LLC (''FE Holdings''), FELHC, Inc. (''FELHC''), FirstEnergy Securities Transfer Company (''FirstEnergy Transfer''), FirstEnergy Nuclear Operating Company (''FENOC''), FirstEnergy Solutions Corp. (''FirstEnergy Solutions''), FirstEnergy Generation Corp. (''GenCo''), FirstEnergy Ventures Corp. (''FirstEnergy Ventures''), MARBEL Energy Corporation (''MARBEL''), Centerior Indemnity Trust (''CIT''), Centerior Service Company (''Centerior Service'') and FirstEnergy Service Company (''ServeCo''), and their respective subsidiaries, all located at 76 South Main Street, Akron, Ohio, 44308; and GPU, Inc. (''GPU''), a registered public utility holding company, its utility subsidiaries: Jersey Central Power & Light Company (''JCP&L''), Pennsylvania Electric Company (''Penelec''), Metropolitan Edison Company (''Met-Ed''), York Haven Power Company (''York Haven''), and Waverly Electric Power & Light Company (''Waverly Electric''), and their respective subsidiaries; and its nonutility subsidiaries: GPU Capital, Inc. (''GPU Capital''), GPU Electric, Inc. (''GPU Electric''), GPU Diversified Holdings, LLC (''GPUDH''), GPU EnerTech Holdings, Inc. (''GPU EnerTech''), GPU Power, Inc. (''GPU Power''), GPU Advanced Resources, Inc. (''GPUAR''), GPU Service, Inc. (''GPU Service''), GPU Telcom Services, Inc. (''GPU Telcom''), GPU Nuclear, Inc. (''GPU Telecom''), and MYR Group, Inc. (''MYR''), and their respective subsidiaries, all located at 300 Madison Avenue, Morristown, New Jersey, 07962, (collectively, ''Applicants''), have filed an application-declaration, as amended (''Application''), under sections 6(a), 7, 9(a), 10, 11, and 13 of the Act and rules 42, 43, 45, 46, 52, 53, 54, and 85–91 under the Act.

Applicants request authority for, among other things, the merger of GPU with and into FirstEnergy (''Merger''); GPU will no longer be a separate entity after the Merger. Following consummation of the Merger, FirstEnergy will register with the Commission as a holding company under the Act. Under the terms of the Agreement and Plan of Merger, dated August 8, 2000 (''Merger Agreement''), FirstEnergy will pay cash for 50% and issue FirstEnergy common shares for 50% of the shares of GPU common stock outstanding at the time of the completion of the Merger, subject to a tax adjustment. The total Merger consideration to be paid by FirstEnergy

is estimated to be approximately $4.5 billion.[1]

In addition, Applicants seek approval for the creation and reorganization of certain nonutility subsidiaries and other matters. In connection with the Merger, Applicants seek approval for financing by FirstEnergy for the purpose of paying the cash and common stock portions of the Merger consideration and other general corporate purposes that may be required in the period immediately following the Merger (''Acquisition Financing''). Applicants also seek approvals for the ongoing financing activities of, the provision of intrasystem services and guaranties by, and certain investments and other matters relating to FirstEnergy and its subsidiaries following the Merger. Applicants further seek preliminary and temporary approval for ServeCo (the new service company for the FirstEnergy system) and GPU Service to act as service companies for the FirstEnergy system under section 13 of the Act and applicable rules.

All pre-Merger subsidiaries of FirstEnergy and GPU are referred to as ''Subsidiaries.'' ''FirstEnergy Utility Subsidiaries'' include: Ohio Edison, Cleveland Electric, Toledo Edison, Penn Power, NONGC and ATSI; ''FirstEnergy Nonutility Subsidiaries'' include all the FirstEnergy Subsidiaries, except for the FirstEnergy Utility Subsidiaries; ''GPU Subsidiaries'' means all current subsidiaries of GPU; ''GPU Utility Subsidiaries'' include JCP&L, Met-Ed, Penelec, York Haven and Waverly Electric; ''GPU Nonutility Subsidiaries'' include all GPU Subsidiaries, except for the GPU Utility Subsidiaries; ''Utility Subsidiaries'' means FirstEnergy Utility Subsidiaries and GPU Utility Subsidiaries; ''Nonutility Subsidiaries'' means FirstEnergy Nonutility Subsidiaries and GPU Nonutility Subsidiaries; and ''Subsidiary'' or ''Subsidiaries'' means all subsidiaries of post-Merger FirstEnergy, including FirstEnergy Utility Subsidiaries, FirstEnergy Nonutility Subsidiaries, GPU Utility Subsidiaries and GPU Nonutility Subsidiaries.

I. Parties to the Merger

A. FirstEnergy and Its Affiliates

FirstEnergy directly owns all of the issued and outstanding voting securities of Ohio Edison,[2] ATSI, Cleveland Electric, Toledo Edison, Penn Power, and NONGC.[3] Ohio Edison, Cleveland Electric, Toledo Edison and Penn Power, collectively comprise the ''FirstEnergy Operating Companies.'' The FirstEnergy Operating Companies, ATSI, NONGC, OVEC and IKEC are all ''public-utility companies'' as defined in the Act.

For the twelve months ending December 31, 2000, FirstEnergy had total revenue of $7,028,961,000 and net income of $598,970,000. FirstEnergy had total assets of $17,941,294,000, as of December 31, 2000.

1. Utility Operations

Ohio Edison is both a public utility and a public utility holding company exempt from registration under the Act by order of the Commission.[4] Ohio Edison engages in the generation, distribution, and sale of electric energy to approximately one million customers within a 7,500-square-mile area of central and northeastern Ohio. For the twelve months ending December 31, 2000, Ohio Edison had total revenue of $2,343,596,000 and net income of $313,609,000; Ohio Edison's operating revenue during this period was principally derived from the sale of electricity. Ohio Edison had total assets of $7,165,242,000, as of December 31, 2000. Ohio Edison owns all of the issued and outstanding voting securities of Penn Power, an electric public utility organized under Pennsylvania law in 1930. Penn Power is also authorized to do business and owns property in Ohio. Penn Power furnishes electric service to approximately 138,000 customers in a 1,500-square-mile area of western Pennsylvania. For the twelve months ending December 31, 2000, Penn Power had total revenue of $383,112,000, and net income of $22,847,000; Penn Power's operating revenue was principally derived from the sale of electricity. Penn Power had total assets of $988,909,000, as of December 31, 2000.

Cleveland Electric is engaged primarily in the generation, distribution and sale of electric energy to approximately 741,000 customers in an area of approximately 1,700 square miles in northeastern Ohio, including the City of Cleveland. Cleveland Electric also has ownership interests in certain generating facilities located in the Commonwealth of Pennsylvania. Cleveland Electric also engages in the sale, purchase and interchange of electric energy with other electric companies. For the twelve months ending December 31, 2000, Cleveland Electric had total revenue of $1,887,039,000 and net income of $202,950,000; Cleveland Electric's operating revenue was principally derived from the sale of electricity. Cleveland Electric had total assets of $5,964,631,000, as of December 31, 2000.

Toledo Edison is a public utility engaged primarily in the distribution and sale of electric energy to approximately 303,000 customers in an area of approximately 2,500 square miles in northwestern Ohio, including the City of Toledo. Toledo Edison owns directly 4% of the issued and outstanding voting securities of OVEC. For the twelve months ending December 31, 2000, Toledo Edison had total revenue of $954,947,000, and net income of $137,233,000; Toledo Edison's operating revenue was principally derived from the sale of electricity. Toledo Edison had total assets of $2,652,267,000, as of December 31, 2001.

ATSI owns and operates certain major, high-voltage transmission facilities, which consist of approximately 7,100 circuit miles (5,752 ''pole'' miles) of transmission lines with voltages of 345 kV and 138 kV (the ''Bulk Transmission System'') and 69 kV (the ''Area Transmission System,'' and together with the Bulk Transmission System, the ''Transmission System''). ATSI has 37 interconnections with six neighboring control areas. ATSI is the control area operator for the FirstEnergy system. The primary function of the Transmission System is to integrate the generation resources of the FirstEnergy Companies with their native retail and wholesale loads. To perform this network function, the Bulk Transmission System and the Area Transmission System are integrated and operate in a parallel manner to each other. The FirstEnergy Companies also operate low voltage 23, 33, 34.5, and 36 kV facilities.

NONGC is a public-utility company that provides gas distribution and transportation service to approximately 5,000 customers located in central and northeast Ohio. NONGC operates approximately 420 miles of distribution and transportation pipeline and ancillary facilities. NONGC receives its gas supplies from local gas producers as well as from interstate pipeline companies. For the twelve months ending December 31, 2000, NONGC had total revenue of $6,074,120, and net

[1] Consideration estimation is based on the market price of FirstEnergy common stock and the number of shares of GPU common stock outstanding at the time the Merger Agreement is executed.

[2] Ohio Edison directly owns 16.5% of the issued and outstanding voting securities of Ohio Valley Electric Corporation (''OVEC''), and OVEC owns all of the issued and outstanding voting securities of Indiana-Kentucky Electric Corporation (''IKEC'').

[3] The acquisition of NONGC by FirstEnergy is the subject of a separate filing currently before the Commission (File No. 70–9941).

[4] *See* Ohio Edison Company, HCAR No. 21019 (April 26, 1979).

income of $112,985; NONGC's operating revenue was principally derived from the distribution and transportation of natural gas. NONGC had total assets of $18,374,761, as of December 31, 2000.

2. Nonutility Subsidiaries

FirstEnergy Properties owns nonutility land and coal rights held for sale, investment or potential development; office buildings rented to affiliated companies and third parties; and also holds the former Centerior Energy Corporation's partnership share of investments in economic development investments. FirstEnergy Properties has one subsidiary, BSG Properties, Inc. (''BSG Properties'').[5] FirstEnergy Properties also owns a 1.47% limited partnership interest in Cleveland Development Partnership I (''Cleveland Development'').[6] FirstEnergy Properties also owns a 5% interest in CID.

FirstEnergy Ventures' principal business involves the ownership of stock investments in certain unregulated enterprises and business ventures. FirstEnergy Ventures has eight wholly owned subsidiaries organized under Ohio law.[7] FirstEnergy Transfer is an Ohio corporation organized in 1997 to act as transfer agent and registrar for the securities of FirstEnergy and its direct and indirect subsidiaries.

FirstEnergy Facilities is the parent company of 11 direct subsidiaries which provide mechanical contracting, facilities management and energy management services to regional and national customers.[8] FirstEnergy Facilities is also the parent company of six indirect subsidiaries providing related services.[9]

MARBEL is the parent company of NONGC, a gas utility, and a holding company, Marbel Holdco, Inc. (''Marbel Holdco'').[10] In addition, MARBEL is the contracting party to two large gas supply agreements.

FirstEnergy Services is a natural gas and power marketer in both wholesale and retail markets. FirstEnergy Services has two wholly owned subsidiaries, Penn Power Energy, Inc. (''Penn Power Energy'') [11] and GenCo.[12] FE Acquisition holds all of the outstanding shares of Mid-Atlantic Energy Development Co. (''Mid-Atlantic''), an inactive holding company.[13] FENOC operates the Davis-Besse Nuclear Power Station, and the Perry and the Beaver Valley Nuclear Power Plants under the supervision and direction of the owners of those facilities. FELHC is a wholly owned FirstEnergy, first tier subsidiary that serves as licensee with respect to all Federal Communications Commission (''FCC'') radio licenses for the FirstEnergy Operating Companies.[14] FirstEnergy also holds all of the issued and outstanding voting securities of the following three direct, inactive, nonutility subsidiaries: Centerior Service, CIT,[15] and FE Holdings.

FirstEnergy directly holds minority interests in nonutility businesses comprised of two real estate companies,[16] two telecommunications companies,[17] and eight companies engaged in power marketing and brokering, investing venture capital in the energy industry, emission technology, electronic commerce related to the power markets, and alternative energy storage systems.[18] Further,

[5] BSG Properties owned a commercial building, which it sold, and is engaged in post-closing matters.

[6] Cleveland Development is a partnership created to provide a source of private sector funding for real estate development in the City of Cleveland.

[7] FirstEnergy Ventures' subsidiaries include: (1) Centerior Power Enterprises, Inc. (''Centerior Power''), which will be dissolved upon the planned cancellation of a contract which required it (together with CPICOR Management LLC (''CPICOR''), a non-affiliate) to implement the Department of Energy (''DOE'') clean coal project; (2) Centerior Energy Services, Inc. (''Centerior Energy Services''), which provides various consulting services related to energy management and procurement under the registered trade name ''The E Group''; (3) Advanced Technologies Development Corp. (''Advanced Technologies''), which owns fiber optics cables, communications towers and electronics for cell siting operations, as well as some proprietary software for telecommunications services; (4) Centerior Communications Holdings, Inc. (''Centerior Communications''), which holds an interest in Fiber Venture Equity, Inc. (''Fiber Venture'') (Fiber Venture owns a 6.5% interest in America's Fiber Network, LLC (''AFN'') and 100% of AFN Finance Company No. 3 (''AFN No. 3'')); (5) Bay Shore Power Company (''Bay Shore''), which is undergoing start-up operations and will own and operate a petroleum coke disposal facility that will supply steam to GenCo for the operation of turbines at the Bay Shore Power Plant and to BP Amoco Corporation (''BP''); (6) FirstEnergy Fuel Marketing Company (''FirstEnergy Fuel Marketing''), which provides products and services to electricity generators and industrial fuel suppliers, including logistics services, contract administration, inventory management and fuel blending; (7) FirstEnergy Telecommunications Corp. (''FirstEnergy Telecommunications''), which will be a competitive telecommunications services provider offering services only in the regulated activities area; and (8) Warrenton River Terminal, Ltd. (''Warrenton River''), which owns facilities for the transloading of bulk materials on the Ohio River—primarily coal. FirstEnergy Ventures is also part owner of two Ohio limited liability companies: Eastroc Technologies, LLC (''Eastroc Technologies'') and Engineered Processes, Ltd. (''Engineered Processes''), which own or apply technologies for the production of gypsum products.

[8] These subsidiaries consist of the following: (1) Ancoma, Inc. (''Ancoma'') of Rochester, New York (a New York corporation); (2) Colonial Mechanical Corporation (''Colonial Mechanical'') of Richmond, Virginia (a Virginia corporation); (3) Webb Technologies, Inc. (''Webb Technologies'') of Norfolk, Virginia (a Virginia corporation); (4) Dunbar Mechanical Inc. (''Dunbar Mechanical'') of Toledo, Ohio (an Ohio corporation); (5) Edwards Electrical & Mechanical, Inc. (''Edwards E&M'') of Indianapolis, Indiana (an Indiana corporation); (6) Elliott-Lewis Corporation (''Elliot-Lewis'') of Philadelphia, Pennsylvania (a Pennsylvania corporation); (7) L.H. Cranston and Sons, Inc. (''Cranston and Sons'') of Timonium, Maryland (a Maryland corporation); (8) Roth Bros., Inc. (''Roth Bros.'') of Youngstown, Ohio (an Ohio corporation); (9) The Hattenbach Company (''Hattenbach'') of Cleveland, Ohio (an Ohio corporation); (10) R. P. C. Mechanical, Inc. (''R. P. C. Mechanical'') of Cincinnati, Ohio (an Ohio corporation); and (11) Spectrum Controls Systems, Inc. (''Spectrum'') of Cincinnati, Ohio (an Ohio corporation).

[9] E–L Enterprises, Inc. (''E-L Enterprises'') is a wholly owned subsidiary of Elliot-Lewis. E-L Enterprises holds all of the issued and outstanding stock of Modern Air Conditioning, Inc. (''Modern AC'') and R.L. Anderson, Inc. (R.L. Anderson'') (both of which provide HVAC equipment installation and service, energy management, facilities management and plumbing services). Elliot-Lewis also has two other direct subsidiaries: A.A. Duckett, Inc. (''Duckett'') (provides HVAC installation and service) and Sautter Crane Rental, Inc. (''Sauter Crane'') (provides crane rental service to affiliated companies and third parties, including other utilities and mechanical contractors).

[10] Marbel Holdco holds FirstEnergy's 50% ownership in Great Lakes Energy Partners, LLC (''Great Lakes''). Great Lakes is an oil and gas exploration and production company in a joint venture with Range Resources Corporation and holds a majority of its assets in the Appalachian Basin, including more than 7,700 oil and natural gas wells, drilling rights on nearly one million acres, proven resources of 450 billion cubic feet equivalent of natural gas and oil, and 5,000 miles of pipeline. Great Lakes also owns intrastate gas pipelines and a small interstate pipeline between Ohio and West Virginia.

[11] Penn Power Energy is a licensed electric supplier providing retail electricity service in Pennsylvania.

[12] GenCo is an exempt wholesale generator within the meaning of Section 32 of the Act (''EWG'') and operates fossil fuel plants and the Seneca pumped storage plant, all of the output of which is sold at wholesale prices to FirstEnergy Services. Most of the generating facilities operated by GenCo are leased from the FirstEnergy Operating Companies.

[13] Mid-Atlantic owned three 130 MW gas-fired peaking turbines at Richland, Ohio. Mid-Atlantic sold those turbines to GenCo effective January 1, 2001, prior to their going into service.

[14] An application was made on January 18, 2001, for FCC approval of FELHC as an exempt telecommunications company (''ETC'').

[15] CIT is a wholly owned subsidiary of FirstEnergy and the remnant of an executive compensation program that required the creation of a trust if the rating of Centerior Energy Corporation dropped below investment grade. That event occurred, and the trust was funded using short term debt instruments, but it is expected that the trust will cease to exist between December 2001 and June 2002.

[15] CIT is a wholly owned subsidiary of FirstEnergy and the remnant of an executive compensation program that required the creation of a trust if the rating of Centerior Energy Corporation dropped below investment grade. Tha event occurred, and the trust was funded using short term debt instruments, but is is expected that the trust will cease to exist between December 2001 and June 2002.

[16] Cleveland Civic Vision Housing Fund, L.L.C. (5.5%) and Marion Senior Housing Limited Partnership (29.21%).

[17] FirstEnergy Telecommunications Corp. (''First Communications'') (31.08%) and Pantellos Corporation (''Pantellos'') (5.38%); these companies have applied to the FCC for approvals as ETCs.

FirstEnergy holds a 10% membership interest in The Alliance Participants Administrative and Startup Activities Company, LLC (''BridgeCo'').[19] In addition, FirstEnergy owns varying shares of passive financial investments in an array of companies.[20]

In addition to the utility subsidiaries mentioned above, Ohio Edison owns multiple wholly owned, indirect and direct, nonutility subsidiaries involved in energy operations and financing.[21] Ohio Edison also has interests in 14 real estate subsidiaries: McDonald Corporate Tax Credit Fund Limited Partnership (12.37%); McDonald Corporate Tax Credit Fund—1995 Limited Partnership (9.0%); McDonald Ohio Tax Credit Fund—1996 Limited Partnership (42.13%); McDonald Ohio Tax Credit Fund—1998 Limited Partnership (30.94%); Ohio Equity Fund For Housing Limited Partnership II (7.62%); USA Institutional Tax Credit Fund VII, L.P. (8.11%); Boston Financial Institutional Tax Credits III, a Limited Partnership (5.38%); Boston Financial Institutional Tax Credits V, a Limited Partnership (3.24%); Boston Financial Institutional Tax Credits XVI, a Limited Partnership (5.83%); Apollo Tax Credit Fund III, L.P. (33.33%); Apollo Tax Credit Fund—IX, Limited Partnership (99.99%); Boston Capital Corporate Tax Credit Fund IV, a Limited Partnership (2.95%); Boston Capital Corporate Tax Credit Fund X, a Limited Partnership (10.93%); and Boston Capital Corporate Tax Credit Fund XIV, a Limited Partnership (20.00%). Further, Ohio Edison owns a 10% limited partnership interest in CID Ohio Equity Capital, Limited Partnership Fund IV (''CID''), a vehicle for investments in a portfolio of private equity and equity-related securities of start-up and early-stage growth companies operating principally in Ohio (inactive). Further, Penn Power, a subsidiary of Ohio Edison, owns a 50% limited partnership interest in Cranberry Square Associates, L.P. (''Cranberry Square'') (a real estate limited partnership).

Further, two other FirstEnergy utilities hold interests in nonutility businesses. Cleveland Electric has three nonutility subsidiaries,[22] and Toledo Edison has nonutility interests through the ownership of 90% of The Toledo Edison Capital Corporation (''TECC'').

B. GPU and Its Affiliates

GPU directly owns all of the outstanding shares of common stock of three electric utilities: JCP&L, Penelec, and Met-Ed (together, ''GPU Energy Companies'').[23] The customer service function and transmission and distribution operations of these three electric utilities are conducting business under the name ''GPU Energy.'' The GPU Energy Companies rely almost exclusively on purchased power agreements, principally short- and intermediate-term contracts and existing power purchase agreements with non-utility generators, to supply energy to their customers. GPU indirectly owns all of the voting securities of two additional utility companies: York Haven and Waverly Electric. As of May 31, 2000, GPU's domestic electric utility operations served approximately two million customers in New Jersey, Pennsylvania and New York. For the twelve months ending December, 31, 2000, GPU had total revenue of $5,196,256,000, and net income of $233,538,000. GPU had total assets of $19,262,461,000, as of December 31, 2000.

JCP&L is engaged in the sale, purchase, transmission and distribution of electric power to 1,016,650 customers (as of May 31, 2001) located within 13 counties and 236 municipalities in northern, western and east central New Jersey. For the twelve months ending December 31, 2000, JCP&L had total revenue of $1,979,297,000, and net income of $210,812,000; operating revenues were derived from the distribution and resale of electricity. JCP&L had total assets of $6,217,355,000, as of December 31, 2000.

Penelec is an electric utility company engaged in the sale, purchase, transmission, and distribution of electric power to 576,091 customers (as of May 31, 2001) in approximately 31 counties in northern and central Pennsylvania. Penelec also provides wholesale service to six municipalities in Pennsylvania and five municipalities in New Jersey. Additionally, Penelec, through Waverly Electric, a direct subsidiary of Penelec, provides retail electric service to 3,741 customers (as of May 31, 2001) in Waverly, New York, and vicinity.[24] For the twelve months ending December 31, 2000, Penelec had total revenue of $901,881,000, and net income of $39,250,000; operating revenues were derived from the distribution and resale of electricity. Penelec had total assets of $3,048,119,000, as of December 31, 2000.

Met-Ed was organized under Pennsylvania law in 1922 and is engaged in the sale, purchase, transmission and distribution of electric power to 497,609 customers (as of May 30, 2001) in 14 counties in central and eastern Pennsylvania. Met-Ed owns all of the voting securities of York Haven, a public utility company. For the twelve months ending December 31, 2000, Met-Ed had total revenue of $842,333,000, and net income of $81,895,000; operating revenues were derived from the distribution and resale of electricity. Met-Ed had total assets of $3,161,379,000, as of December 31, 2000.

II. Description of the Merger

As mentioned above, the Merger Agreement provides for GPU to be merged with and into FirstEnergy, with FirstEnergy as the surviving corporation and the separate existence of GPU ceasing. The GPU Energy Companies will become direct subsidiaries of FirstEnergy following the merger. On November 21, 2000, the shareholders of FirstEnergy and GPU approved the Merger.

[18] PowerSpan Corp. (''PowerSpan'') (18.63%); Nth Power Technologies II, LLC, (''Nth Power'') (8.2%); Kinetic Ventures I, LLC (formerly Utility Competitive Advantage Fund I, LLC) (11.1049%); Kinetic Ventures II, LLC (formerly Utility Competitive Advantage Fund II, LLC) (17.63%); Envirotech Investment Fund I, L.P. (''Envirotech'') (6.36%); Automated Power Exchange, Inc., Active Power, Inc. (''APX'') (1.16%); Active Power, Inc. (''Active Power'') (0.006%); and Utility.com, Inc. (''Utility.Com'') (5.0%).

[19] BridgeCo is a short-term entity created to manage the financial and other affairs of the ten members of the Alliance RTO until the company begins operations.

[20] Corvis Corporation; Cisco Systems Inc.; S1 Corporation; Smarthouse, Inc.; Silas Creek Retail, Inc.; Smith International, Inc.; Steel City Products, Inc.; Madisons of Columbus, Inc.; The Mason And Dixon Lines, Inc.; Luckey Farmers, Inc.; The Lionel Corp.; Jewel Recovery L.P. (d/b/a Zales Corp.); Hermans Sporting Goods, Inc.; Homeplace of America, Inc.; House of Fabrics, Inc.; Federals, Inc.; Country Spring Farms Co-Op, Inc.; Cook United, Inc.; County Seat Stores, Inc.; Busy Beavers Building Centers, Inc.; Bulk Materials, Inc.; Best Products Co., Inc.; Value Merchants Inc.; COLOROCS Corp.; Republic Technologies International, Inc.; United Merchants and Manufacturers, Inc.; Edison Brothers Stores, Inc.; EBS Pension, L.L.C.; EBS Building, L.L.C.; EBS Litigation, L.L.C.; EnviroSource, Inc.; and Oakhurst Capital, Inc.

[22] Cleveland Electric owns Centerior Funding Corporation (''Centerior Funding''), which is a Delaware corporation organized in 1996 that factors accounts receivable. It also owns 10% of The Toledo Edison Capital Corporation (''TECC''), which is a Delaware corporation organized in 1997 that makes equity investments in Delaware business trusts that hold lessor debt instruments issued in connection with Cleveland Electric's and Toledo Edison's sale and leaseback of interests in the Bruce Mansfield Plant. Cleveland Electric Financing Trust I (''CEI Financing Trust I'') is a wholly owned financing subsidiary of Cleveland Electric.

[23] In addition, GPU owns interests in various nonutility businesses. GPU's nonutilities conduct businesses permitted by the Act under sections 32, 33, or 34, by Commission order under section 11(b)(1), or by rule 58.

[24] Waverly Electric's revenues account for less than 1% of Penelec's total operating revenue.

Shortly before the Merger is completed, FirstEnergy will give each GPU shareholder the opportunity to elect to receive, for each share of GPU common stock he or she owns, either: $36.50 in cash, without interest; or, a number of shares of FirstEnergy common stock equal to an exchange ratio designed to provide GPU shareholders with FirstEnergy shares having a value of $36.50.[25]

If GPU shareholders elect to receive cash for more than 50% of the GPU shares, the amount of cash that GPU shareholders will receive for each GPU share for which they made a cash election will be reduced *pro rata* so that the total amount of cash that FirstEnergy will pay to all GPU shareholders in the Merger is the same as the amount that FirstEnergy would have had to pay if cash elections were made for only 50% of the GPU shares. Similarly, if GPU shareholders elect to receive FirstEnergy shares for more than 50% of the GPU shares, the number of FirstEnergy shares GPU shareholders will receive for each GPU share for which they made a share election will be reduced *pro rata* so that the total number of shares that FirstEnergy will issue to all GPU shareholders in the Merger is the same as the number of shares that FirstEnergy would have had to issue if share elections had been made for only 50% of the GPU shares.

FirstEnergy will not issue fractional interests in its shares in connection with the Merger. Any GPU shareholder otherwise entitled to a fractional interest, including in connection with a tax adjustment, will instead receive cash in an amount equal to that fraction multiplied by the average of the closing prices of the shares of FirstEnergy common stock over the five-day trading period ending on the trading day before the Merger is completed.

Under certain circumstances it may be necessary for FirstEnergy to reduce the total amount of cash it pays in the Merger in order to ensure that the Merger qualifies as a ''reorganization'' for U.S. federal income tax purposes. In this event, all GPU shareholders who are entitled to receive cash, other than as a result of being a dissenting shareholder or being entitled to cash in lieu of a fractional share of FirstEnergy common stock, will receive a reduced amount of cash, as nearly *pro rata* as possible, and FirstEnergy shares with a value equal to the reduced cash amount. For these purposes, FirstEnergy will determine the value of those FirstEnergy shares based on the closing price of the FirstEnergy shares on the date the Merger is completed.

After the Merger, FirstEnergy proposes to hold as first tier subsidiaries seven public utility companies: Ohio Edison, Cleveland Electric, Toledo Edison, JCP&L, Penelec, Met-Ed and ATSI. FirstEnergy will hold as second tier subsidiaries five public utility companies: Penn Power, York Haven, Waverly, NONGC and OVEC. FirstEnergy will hold IKEC as a third-tier subsidiary. For the purpose of the Application at issue, Ohio Edison, Cleveland Electric, Toledo Edison, JCP&L, Penelec, and Met-Ed are collectively are referred to as the ''Primary Operating Utilities.'' FirstEnergy also proposes to own a number of nonutility subsidiaries as described above.

III. Financing Authorization

A. Overview

In order to ensure that the FirstEnergy system is able to meet its capital requirements immediately following registration and plan its future financing, FirstEnergy and its Subsidiaries request authorization to enter into numerous types of financing transactions for the period beginning with the effective date of the Commission's order in this matter and continuing to and including June 30, 2003 (''Authorization Period''). In addition to engaging in Acquisition Financing, Applicants request that FirstEnergy be able to engage in other financing transactions as set forth below during the Authorization Period.

FirstEnergy requests authority to engage in Acquisition Financing in order to meet the cash and common stock portions of the Merger consideration. FirstEnergy will issue between 74 million and 95 million shares of common stock in connection with the Merger. Approximately $2.2 billion of cash will be used at closing to fund the cash portion of the Merger consideration. In addition to this Merger consideration, FirstEnergy plans to refinance at or about the effective time of the Merger certain then-outstanding GPU-related short-term debt (expected to be approximately $1.8 billion). Applicants plan to meet the Acquisition Financing requirements through a short-term bank bridge loan, but may use long-term or short-term financing, including preferred stock and preferred stock equivalent securities (collectively, ''Preferred Securities'') or securities convertible into common stock. The bridge loan will ultimately be repaid with proceeds from permanent debt financing by FirstEnergy or other entities in the FirstEnergy system as approved by the Commission in this filing or in subsequent requests contained in later submissions to the Commission.

Applicants also seek authority for: (1) External issuances by FirstEnergy of common stock, Preferred Securities, long-term debt, short-term debt and other securities; guarantees of obligations of affiliated or unaffiliated persons in favor of other unaffiliated persons; and the entering into by FirstEnergy of transactions to manage interest rate risk (''Hedging Transactions''); (2) the entering into by the Utility Subsidiaries of hedging transactions to the extent not exempt pursuant to rule 52; (3) lending to non-wholly owned Non-Utility Subsidiaries at a rate not less than the cost of capital of the lending associate company; (4) the establishment of a utility money pool (''Utility Money Pool'') and a nonutility money pool (''Nonutility Money Pool'') and the issuance of intrasystem guaranties by FirstEnergy and the Nonutility Subsidiaries on behalf of the Subsidiaries; (5) the continuation of existing intrasystem debt, guarantees and other financing arrangements; (6) the ability of 50% or more owned Subsidiaries to alter their capital stock in order to engage in financing transactions with their parent company; (7) the ability of FirstEnergy and those Subsidiaries identified below to pay dividends out of capital or unearned surplus; and (8) the formation of financing entities (''Financing Subsidiaries'') and the issuance by these entities of securities otherwise authorized to be issued and sold in accordance with this Application or to applicable exemptions under the Act, including intrasystem guaranties of these securities and the retention of existing Financing Subsidiaries.

Applicant's effective cost of money on long-term debt borrowings under the authorizations granted under this Application will not exceed the greater of (1) 350 basis points over the comparable term U.S. Treasury securities or (2) a gross spread over U.S. Treasuries that is consistent with similar securities of comparable credit

[25] FirstEnergy will determine the exact exchange ratio by dividing $36.50 by the average of the closing sale prices for a share of FirstEnergy common stock on the New York Stock Exchange as reported in The Wall Street Journal over the 20-day trading period ending on the seventh trading day before the Merger is completed. The exchange ratio, however, will be fixed at 1.2318 if the average closing price of the FirstEnergy shares over this period is equal to or greater than $29.6313, and at 1.5055, if the average closing price over this period is equal to or less than $24.2438. This means that the number of FirstEnergy shares a GPU shareholder will receive for each GPU share he or she owns will never be less than 1.2318 nor more than 1.5055, regardless of what happens to FirstEnergy's share price.

quality and maturities (or perpetual preferred) issued by other companies. Applicant's effective cost of money on short-term debt borrowings under authorizations granted under this Application will not exceed the greater of (1) 350 basis points over the comparable term London Interbank Offered Rate (''LIBOR'') or (2) a gross spread over LIBOR that is consistent with similar securities of comparable credit quality and maturities issued by other companies. The dividend rate on any series of Preferred Securities will not exceed the greater of (1) 500 basis points over the yield to maturity of a U.S. Treasury security having a remaining term equal to the term of such series of Preferred Securities or (2) a rate that is consistent with similar securities of comparable credit quality and maturities (or perpetual preferred) issued by other companies. The maturity of indebtedness will not exceed fifty years. All Preferred Securities (other than perpetual preferred) will be redeemed no later than fifty years after their issuance.

The proceeds from the sale of securities in external financing transactions will be used for general corporate purposes, including: financing the cash and stock portion of the Merger consideration under the Merger Agreement; the financing, in part, of the capital expenditures of FirstEnergy and its Subsidiaries; the financing of working capital requirements of FirstEnergy and its Subsidiaries; the acquisition, retirement or redemption under rule 42 of securities previously issued by FirstEnergy or its Subsidiaries; and authorized investments in energy-related companies, as defined in rule 58 under the Act (''Rule 58 Subsidiaries''), other energy-related companies (''Energy-Related Companies''), exempt wholesale generators (''EWGs''), foreign utility companies (''FUCOs''), ETCs; and for other lawful purposes.

Financings by each Applicant will be subject to the following conditions (''Financial Conditions''): (1) FirstEnergy's *pro forma* common equity ratio at the assumed closing date of the Merger will be 29.5%; [26] (2) FirstEnergy's consolidated common equity [27] will be at least 30% of consolidated capitalization by December 31, 2002, and at all times thereafter during the Authorization Period; (3) within nine months following the date of the order in this matter and at all times thereafter during the Authorization Period, FirstEnergy will maintain at least an investment grade corporate credit rating or senior secured debt rating by at least one nationally recognized rating agency; (4) each Primary Operating Utility, other than Cleveland Electric, will maintain common equity of at least 30% of its capitalization and at least an investment grade senior secured debt rating by at least one nationally recognized rating agency; (5) Cleveland Electric will achieve a 30% common equity ratio and an investment grade senior secured debt rating by at least one nationally recognized credit agency by June 30, 2003; and (6) except as otherwise approved by the Commission in accordance with any request contained in this Application FirstEnergy represents that it also will be in compliance with rule 53. Notwithstanding the commitments described in the preceding paragraph regarding investment grade ratings and the 30% common equity criteria, Applicants request that the Commission reserve jurisdiction over the issuance of securities in those circumstances where FirstEnergy does not comply with either the investment grade ratings or the 30% common equity criteria.

B. Existing Financing Arrangements

Applicants estimate that FirstEnergy has a $450 million credit agreement outstanding and that the FirstEnergy Operating Companies and ATSI have $7.4 billion outstanding in first mortgage bonds, preferred stock, debentures, and other notes. Applicants seek authority for these existing outstanding securities and financing arrangements to stay in place following the Merger. Applicants also each seek authority, following the Merger, to refinance or refund these existing securities for the purpose of lowering interest costs, changing from fixed rate to variable rate, refunding short-term debt with long-term debt (including any refinancing of the Acquisition Financing), extending the maturity, altering covenants, changing capitalization ratios or for other proper financial purposes. Further, Applicants seek approval for the outstanding securities and financing arrangements of the FirstEnergy Nonutility Subsidiaries to remain in place following consummation of the Merger.

In addition, each of the GPU Energy Companies has in place approval from the Commission for the issuance of short term debt.[28] Applicants propose that such approvals remain in place following the Merger and to the extent any such approval contemplated a transaction between GPU and a GPU Energy Company, FirstEnergy proposes to succeed to the rights and duties of GPU. Accordingly, Applicants request authority for FirstEnergy to assume any short-term debt outstanding or credit facility of GPU existing at the time of the Merger. As mentioned FirstEnergy proposes to refinance at or about the effective date of the Merger certain then-outstanding GPU-related short-term debt (expected to be about $1.8 billion). Such short-term debt refinancing will count against the Aggregate Financing Limit.

C. FirstEnergy External Financing

In addition to existing financing, Applicants request authority for FirstEnergy to obtain funds externally through sales of common stock, Preferred Securities, long-term debt, and short-term debt securities. With respect to common stock, FirstEnergy also requests authority to issue common stock to third parties in consideration for the acquisition by FirstEnergy or a Nonutility Subsidiary of equity or debt securities of a company being acquired under rule 58 or sections 32, 33 or 34 of the Act. In addition, FirstEnergy seeks the flexibility to enter into certain hedging transactions to manage rate risk and for other lawful purposes. The aggregate amount of new equity, Preferred Securities, long-term debt and short-term debt financing to be obtained by FirstEnergy during the Authorization Period shall be not more than $8.0 billion (''Aggregate Financing Limit''), which includes the common stock and debt portions of the Acquisition Financing. The Aggregate Financing Limit does not include the existing financing, and any refinancing or refunding of outstanding securities as described in Section III. B. above.

1. Common Stock

FirstEnergy is authorized under its restated articles of incorporation to issue 300 million shares of common stock ($.10 par value).[29] FirstEnergy proposes, during the Authorization

[26] For this purpose, consolidated capitalization includes common equity, preferred stock, including preferred stock subject to mandatory redemption within one year, and long-term and short-term debt, including current maturities of long-term debt.

[27] Common equity is to be based upon the balance sheets contained in FirstEnergy's most recent 10–K or 10–Q filed with the Commission pursuant to the Securities Exchange Act of 1934.

[28] HCAR No. 27041 (June 22, 1999), *supplemented by,* HCAR No. 27302 (Dec. 15, 2000); HCAR No. 26544 (July 17, 1996); and HCAR No. 26801 (Dec. 22, 1997).

[29] Under its articles of incorporation, FirstEnergy is authorized to issue 305 million shares consisting of 300 million shares of common stock and 5 million shares of preferred stock. As of December 31, 2000, FirstEnergy had 224,531,580 shares of common stock outstanding and no shares of preferred stock outstanding. Upon consummation of the Merger, FirstEnergy will be authorized to issue up to 375 million shares of common stock and 5 million shares of preferred stock.

Period, to issue common stock (other than for employee benefit plans or stock purchase and dividend reinvestment plans and other than shares issued in the Merger) in amounts that, when combined with the proposed additional long-term debt, short-term debt, and Preferred Securities issued and then outstanding, shall not exceed the Aggregate Financing Limit.

Common stock financings may be made through underwritten public distributions, private placements, or other non-public offerings to one or more persons. All such common stock sales will be at rates or prices and under conditions negotiated or based upon, or otherwise determined by, competitive capital markets.

2. Preferred Securities

FirstEnergy requests authority to issue preferred stock or other types of Preferred Securities in one or more series with such rights, preferences and priorities as may be designated in the instrument creating each such series, as determined by FirstEnergy's Board of Directors. Dividends or distributions on Preferred Securities will be made periodically and to the extent funds are legally available for such purpose, but may be made subject to terms which allow the issuer to defer dividend payments for specified periods. Preferred Securities may be convertible or exchangeable into shares of FirstEnergy common stock or indebtedness.

3. Long-Term Debt

FirstEnergy proposes to issue long-term debt securities, including bonds, notes, medium-term notes or debentures under one or more indentures (each, the ''FirstEnergy Indenture'') or long-term indebtedness under agreements with banks or other institutional lenders. The maturity dates, interest rates, redemption and sinking fund provisions, tender or repurchase and conversion features, if any, with respect to the long-term securities of a particular series, as well as any associated placement, underwriting or selling agent fees, commissions and discounts, if any, will be established by negotiation or competitive bidding. In addition to the long-term debt noted above, FirstEnergy expects to assume $300 million of GPU debentures (7.7% Series A, due December 1, 2005) upon consummation of the Merger. Because it is part of existing capitalization, this $300 million will not count against the Aggregate Financing Limit.

4. Short-Term Debt

FirstEnergy seeks authority to issue short-term debt in order to provide for the reissuance of pre-Merger letters or lines of credit or commercial paper and to provide financing for general corporate purposes, working capital requirements, and temporary financing of Subsidiary capital expenditures. Any short-term debt outstanding or credit facility of GPU existing at the time of the Merger would be assumed by FirstEnergy. FirstEnergy's proposed short-term debt may also include commercial paper, from time to time, in established domestic or European commercial paper markets. This commercial paper would be sold to dealers at the discount rate or the coupon rate per annum prevailing at the date of issuance for commercial paper of comparable quality and maturities sold to commercial paper dealers generally. The aggregate amount of additional capitalization obtained by FirstEnergy during the Authorization Period from issuance and sale of short-term debt, when combined with common stock (other than for employee benefit plans or stock purchase and dividend reinvestment plans and other than shares issued in the Merger), long-term debt, and Preferred Securities issued then outstanding, as described in this section, shall not exceed the Aggregate Financing Limit. FirstEnergy will limit the amount of short-term debt issued and outstanding at any time under the authority requested in this Application plus any short-term debt outstanding at the date of the Merger, to $5.0 billion. Further, FirstEnergy may, without counting against the above $5.0 billion limit, maintain back-up lines of credit in connection with a commercial paper program in an aggregate amount not to exceed the amount of authorized commercial paper. Credit lines may be set up for use by FirstEnergy for general corporate purposes in addition to credit lines to support commercial paper as described in this subsection. FirstEnergy would borrow and repay under such lines of credit, from time to time, as it is deemed appropriate or necessary.

5. Hedging Transactions

FirstEnergy requests authority to enter into, perform, purchase and sell financial instruments intended to reduce or manage the volatility of interest rates, including but not limited to interest rate swaps, caps, floors, collars and forward agreements or any other similar agreements. Hedges may also include issuance of structured notes (*i.e.*, a debt instrument in which the principal and/or interest payments are indirectly linked to the value of an underlying asset or index), or transactions involving the purchase or sale, including short sales, of U.S. Treasury or Agency (*e.g.*, Federal National Mortgage Association) obligations or LIBOR based swap instruments (collectively, ''Hedge Instruments''). FirstEnergy will not engage in speculative transactions unassociated with its outstanding debt and financing needs and activities. FirstEnergy will only enter into agreements with counterparties (''Approved Counterparties'') whose senior debt ratings, as published by a national recognized rating agency, are greater than or equal to ''BBB,'' or an equivalent rating.

In addition, FirstEnergy and the Subsidiaries request authorization to enter into interest rate hedging transactions with respect to anticipated debt offerings (the ''Anticipatory Hedges''), subject to certain limitations and restrictions. Anticipatory Hedges would only be entered into with Approved Counterparties, and would be utilized to fix and/or limit the interest rate risk associated with any new issuance through: (1) A forward sale of exchange-traded Hedge Instruments (''Forward Sale''), (2) the purchase of put options on Hedge Instruments (''Put Options Purchase''), (3) a Put Options Purchase in combination with the sale of call options Hedge Instruments (''Zero Cost Collar''), (4) transactions involving the purchase or sale, including short sales, of Hedge Instruments, or (5) some combination of a Forward Sale, Put Options Purchase, Zero Cost Collar and/or other derivative or cash transactions, including, but not limited to, structured notes, caps and collars, appropriate for the Anticipatory Hedges.

D. Subsidiary External Financing

ATSI and NONGC each seek approval to issue debt or Preferred Securities on the same terms and conditions as FirstEnergy as described above. The maximum amount of new financing to be obtained by ATSI and NONGC during the Authorization Period shall not exceed $500 million for ATSI and $200 million for NONGC.[30] Additionally, to the extent not exempt under rule 52, the Utility Subsidiaries request authority to enter into, perform, purchase, and sell Hedge Instruments and Anticipatory Hedges subject to the

[30] These securities shall be included in determining compliance with the overall financing limitation of $8 billion for FirstEnergy.

limitations and requirements applicable to FirstEnergy.

Financings obtained by the Utility Subsidiaries within and beyond the scope of rule 52 will be used for general corporate purposes and working capital requirements, including contributions to the Utility Money Pool. These financings may be made under instruments in place at the time of the Merger or new agreements.

E. Intrasystem Transactions

1. Guaranties

Applicants request authority to enter into guaranties, obtain letters of credit, enter into support or expense agreements or otherwise provide credit support with respect to the obligations of the Subsidiaries as may be appropriate or necessary to enable such Subsidiaries to carry on in the ordinary course of their respective businesses, and to enter into guaranties of nonaffiliated third parties' obligations in the ordinary course of FirstEnergy's business (''FirstEnergy Guaranties''). In addition, Applicants request authority for each Nonutility Subsidiary to provide guaranties and other forms of credit support (''Nonutility Guaranties'') (together with FirstEnergy Guaranties, ''Guaranties'').

The aggregate amount of the Guaranties will not exceed $4.0 billion outstanding at any one time, not taking into account obligations exempt under rule 45 (''Guaranty Limit''). Excluded from this amount are guaranties and other credit support mechanisms by FirstEnergy and GPU in favor of their respective Subsidiaries which were previously issued and are expected to remain in place following the Merger.[31]

The issuance of any guaranties will also be subject to the limitations of rule 53(a)(1) or 58(a)(1), as applicable. Applicants propose that each Subsidiary be charged a fee for each guaranty provided on its behalf that is not more than that obtainable by the beneficiary of the guaranty from third parties.

2. Money Pools

Applicants request authority for FirstEnergy and the Utility Subsidiaries to establish the Utility Money Pool. In addition, Applicants request authority for the Utility Subsidiaries, to the extent not exempted by rule 52, to make unsecured short-term borrowings from the Utility Money Pool, to contribute surplus funds to the Utility Money Pool, and to lend and extend credit to (and acquire promissory notes from) one another through the Utility Money Pool.

In addition, FirstEnergy and the Nonutility Subsidiaries request authority to establish the Nonutility Money Pool. FirstEnergy requests authority to contribute its surplus funds and to lend and extend credit to: (1) The Utility Subsidiaries through the Utility Money Pool; and (2) the Nonutility Subsidiaries through the Nonutility Money Pool. Amounts borrowed by each Utility Subsidiary from the Utility Money Pool would be limited to amounts authorized by each applicable state commission. FirstEnergy will receive no loans and will borrow no funds from either Money Pool.

Utility Money Pool participants that borrow would borrow *pro rata* from each company that lends, in the proportion that the total amount loaned by each such lending company bears to the total amount then loaned through the Utility Money Pool. On any day when more than one fund source (*e.g.*, surplus treasury funds of FirstEnergy and other Utility Money Pool participants (''Internal Funds'')) and proceeds from external financings (''External Funds''), with different rates of interest, is used to fund loans through the Utility Money Pool, each borrower would borrow *pro rata* from each such fund source in the Utility Money Pool in the same proportion that the amount of funds provided by that fund source bears to the total amount of short-term funds available to the Utility Money Pool.

If only Internal Funds make up the funds available in the Utility Money Pool, the interest rate applicable and payable to or by Utility Subsidiaries for all loans of these Internal Funds will be the greater of the 30-day LIBOR rate as quoted in The Wall Street Journal or the money market rate that a lending Subsidiary could have obtained if it placed its excess cash in such an investment.

If only External Funds comprise the funds available in the Utility Money Pool, the interest rate applicable to loans of such External Funds would be equal to the lending company's cost for such External Funds (or, if more than one Utility Money Pool participant had made available External Funds on such day, the applicable interest rate would be a composite rate equal to the weighted average of the cost incurred by the respective Utility Money Pool participants for such External Funds).

In cases where both Internal Funds and External Funds are concurrently borrowed through the Utility Money Pool, the rate applicable to all loans comprised of these ''blended'' funds would be a composite rate equal to the weighted average of: (1) The cost of all Internal Funds contributed by Utility Money Pool participants (as determined in accordance with the second-preceding paragraph above) and (2) the cost of all such External Funds (as determined in accordance with the immediately preceding paragraph above). In circumstances where Internal Funds and External Funds are available for loans through the Utility Money Pool, loans may be made exclusively from Internal Funds or External Funds, rather than from a ''blend'' of these funds, to the extent it is expected that these loans would result in a lower cost of borrowing.

Funds not required by the Utility Money Pool to make loans (with the exception of funds required to satisfy the Utility Money Pool's liquidity requirements) would ordinarily be invested in one or more short-term investments, including: (1) Interest-bearing accounts with banks; (2) obligations issued or guaranteed by the U.S. government and/or its agencies and instrumentalities, including obligations under repurchase agreements; (3) obligations issued or guaranteed by any state or political subdivision of a state, provided that these obligations are rated not less than ''A'' by a nationally recognized rating agency; (4) commercial paper rated not less than ''A–1'' or ''P–1'' or their equivalent by a nationally recognized rating agency; (5) money market funds; (6) bank certificates of deposit; (7) Eurodollar funds; and (8) other investments that are permitted by section 9(c) of the Act and rule 40 under the Act.

The Nonutility Money Pool will be operated on the same terms and conditions as the Utility Money Pool, except that FirstEnergy funds made available to the two money pools will be made available first for loans through the Utility Money Pool and then for loans through the Nonutility Money Pool. Operation of the Utility and Nonutility Money Pools, including record keeping and coordination of loans, will be handled by FirstEnergy's service company, ServeCo, under the authority of the appropriate officers of the participating companies. ServeCo will administer the Utility and Nonutility Money Pools on an ''at cost'' basis and will maintain separate records for each money pool.

3. Other Borrowings

Applicants request authority for FirstEnergy or a Nonutility Subsidiary, as the case may be, to make loans to Nonutility Subsidiaries at interest rates and maturities designed to provide a return to the lending company of not less than its effective cost of capital. If

[31] FirstEnergy and GPU each has, respectively, $846 million and $58 million in existing guaranties.

these loans are made to a Nonutility Subsidiary, that Nonutility Subsidiary will not sell any services to any associate Nonutility Subsidiary unless that company falls within one of the categories of companies to which goods and services may be sold on a basis other than ''at cost'' as described in the Application in this matter.

Applicants also request authority for FirstEnergy or a Nonutility Subsidiary to make loans to Nonutility Subsidiaries that are not wholly owned by FirstEnergy, directly or indirectly, at interest rates and maturities designed to provide a return to the lending company of not less than its effective cost of capital. If these loans are made to a Nonutility Subsidiary, that Nonutility Subsidiary will not sell any services to any associate Nonutility Subsidiary unless that company falls within one of the categories of companies to which goods and services may be sold on a basis other than ''at cost,'' as described in the Application.

F. Other Transactions

1. Financing Subsidiaries

FirstEnergy and the Subsidiaries request authority to acquire, directly or indirectly, the equity securities of one or more Financing Subsidiaries. Financing Subsidiaries may be corporations, trusts, partnerships or other entities created specifically for the purpose of facilitating the financing of the authorized and exempt activities (including exempt and authorized acquisitions) of FirstEnergy and the Subsidiaries through the issuance of long-term debt, Preferred Securities or equity securities, to third parties and the transfer of the proceeds of these financings to FirstEnergy or these Subsidiaries.[32]

FirstEnergy or a Subsidiary may, if required, guarantee or enter into support or expense agreements in respect of the obligations of any such Financing Subsidiaries. Any amounts issued by such financing entities to third parties will be included in the overall external financing limitation, if any, applicable to its immediate parent. However, any intrasystem borrowing by the parent of the proceeds of those issuances would not count against the proposed aggregate financing limitation, if any, applicable to the parent and a guaranty by the parent with respect to those issuances would not count against the Guaranty Limit.

[32] One of the special purpose subsidiaries already in existence, such as OES Capital or Centerior Funding, may be used for these purposes as well.

2. Nonutility Subsidiary Reorganizations

Applicants request the authorization and approval of the Commission to organize and acquire the securities of one or more additional Subsidiaries to act as a holding company for nonutility investments if, in FirstEnergy's judgment, there are organizational, functional, tax or other benefits to be derived in separating nonutility businesses at the first-tier level. Accordingly, unless otherwise indicated, references to the ''Nonutility Holding Company'' shall include such other first-tier Subsidiaries as FirstEnergy may choose to organize to serve a similar purpose. Applicants request authority, through the Authorization Period, to sell or otherwise transfer: (1) Nonutility Subsidiary businesses; (2) the securities of current Subsidiaries engaged in some or all of these nonutility businesses; or (3) investments which do not involve a Subsidiary (*i.e.,* less than 10% voting interest) to certain first-tier nonutility holding companies (collectively, ''Nonutility Holding Companies'') or a Subsidiary of Nonutility Holding Company, and, to the extent approval is required, Nonutility Holding Company or any Subsidiary of Nonutility Holding Company requests authority to acquire the assets of these businesses, securities of former Subsidiaries of FirstEnergy or GPU or other investment interests.[33] Applicants state that the proposed transactions will not involve the sale or disposition of any utility assets, and will not involve the acquisition of any new businesses or activities.

3. Changes in Capital Stock of Majority Owned Subsidiaries

Applicants state that proposed sales of capital securities (*i.e.,* common stock or Preferred Stock) may in some cases exceed the then authorized capital stock of a Subsidiary. In addition, the Subsidiary may choose to use capital stock with no par value. Therefore, Applicants request authority to change the terms of any 50% or more owned Subsidiary's authorized capital stock capitalization or other equity interests by an amount deemed appropriate by FirstEnergy or other intermediate parent company, provided that the consent of all other shareholders has been obtained for this change. This request for authorization is limited to FirstEnergy's 50% or more owned Subsidiaries and will not affect the aggregate limits or other conditions contained in this Application. A Subsidiary would be able to change the par value, or change between par value and no-par stock, or change the form of such equity from common stock to limited partnership or limited liability company interests or similar instruments, or from such instruments to common stock, without additional Commission approval. Any action by a Utility Subsidiary would be subject to and would only be taken upon receipt of necessary approval by the state commission in the state or states where the Utility Subsidiary is incorporated and doing business.

[33] Applicants state that transfers of these securities or assets may be effected by share exchanges, share distributions or dividends followed by contribution of these securities or assets to the receiving entity.

4. Payment of Dividends

a. *FirstEnergy.* Applicants state that as a result of the application of the purchase method of accounting to the Merger, the current retained earnings of the GPU Subsidiaries will be recharacterized as additional paid-in-capital. In addition, the Merger will give rise to a substantial level of goodwill. In accordance with the Commission's Staff Accounting Bulletin No. 54, Topic 5J, the goodwill will be ''pushed down'' to the GPU Subsidiaries, and the difference between the purchase price allocated to the GPU Subsidiaries and the par values, if any, of their outstanding common stock will be reflected as additional paid-in capital on the GPU Subsidiaries' financial statements. The effect of these accounting practices will be to leave the GPU Subsidiaries with no retained earnings, the traditional source of dividend payments. Accordingly, Applicants request authority for FirstEnergy to pay dividends out of additional paid-in-capital up to the amount of $155 million, representing the total amount of dividends out of capital from the GPU Subsidiaries.

b. *Nonutility Subsidiaries.* The Nonutility Holding Company proposes to pay dividends, on behalf of itself and every direct or indirect Nonutility Subsidiary, from time to time through the Authorization Period, out of capital and unearned surplus (including revaluation reserve), to the extent permitted under state law. Without further approval by the Commission no Nonutility Subsidiary will declare or pay any dividend out of capital or unearned surplus if that Nonutility Subsidiary derives any material part of its revenue from the sale of goods, services, electricity, or natural gas to any of the Utility Subsidiaries.

5. EWGs and FUCOs

Following the Merger, Applicants request authority for FirstEnergy to

finance the acquisition of additional investments in EWGs and FUCOs provided that its ''aggregate investment'' in EWGs and FUCOs (as that term is defined in rule 53) of up to $5 billion (including amounts currently invested in EWGs and FUCOs by FirstEnergy and GPU). Applicants state that GPU's aggregate investment in EWGs and FUCOs as of March 31, 2001, was $1,846,598,000. As of the same date, FirstEnergy's aggregate investment in EWGs was $354,831,392. Applicants note that *pro forma* consolidated retained earnings of FirstEnergy as of December 31, 2000, was $1.1 billion.

6. Stock and Incentive Plans

Applicants request authority for FirstEnergy, from time to time, to issue up to 30 million shares of FirstEnergy common stock under the employee benefit and incentive plans described below and under a dividend reinvestment plan currently in place at FirstEnergy and anticipated to continue after the Merger.

After the Merger, FirstEnergy will continue to have several employee and director stock-based plans. These include an Executive and Director Incentive Compensation Plan, an Executive Deferred Compensation Plan, a Deferred Plan for Directors, two Employee Savings Plans and two plans that were assumed by FirstEnergy in connection with the merger between Ohio Edison and Centerior Energy Corporation that resulted in the formation of FirstEnergy. In addition, as a result of the Merger, FirstEnergy will assume certain obligations of GPU under GPU related stock option and incentive plans.

7. Tax Allocation Agreement

The Applicants request the Commission approve an agreement for the allocation of consolidated tax among FirstEnergy and its Subsidiaries following the Merger (''Tax Allocation Agreement''). Applicants state that the Tax Allocation Agreement is subject to the approval by the Commission under the Act because it provides for the retention by FirstEnergy of certain tax benefits related to the incurrence of indebtedness by FirstEnergy rather than the allocation of such benefits to Subsidiaries. The Applicants request that the Commission reserve jurisdiction over approval of the Tax Allocation Agreement pending completion of the record.

8. Investment in Nonutility Subsidiaries

Applicants propose to acquire directly or indirectly the securities of one or more corporations, trusts, partnerships, limited liability companies or other entities (collectively, ''Intermediate Subsidiaries''), which would be organized exclusively for the purpose of acquiring, holding and/or financing the acquisition of the securities of or other interest in one or more EWGs, FUCOs, ETCs, Rule 58 Subsidiaries, and Energy Related Companies (collectively, ''Exempt Subsidiaries'') and make additional investments in other Nonutility Subsidiaries approved by the Commission as requested in this Application (collectively, ''Non-Exempt Securities''). FirstEnergy states that Intermediate Subsidiaries also may engage in development and administrative activities related to these Exempt Subsidiaries and other Nonutility Subsidiaries, and proposes to expand, directly or through Nonutility Subsidiaries up to $300 million in the aggregate outstanding at any one time during the Authorization Period on these development activities. Applicants also maintain that the Intermediate Subsidiaries will provide both development and administrative activities ''at cost'' in accordance with section 13(b) and rules 90 and 91 of the Act.

9. Sale of Certain Goods and Services Outside the United States

Applicants request authority to allow Energy Related Companies to acquire interests in the entities not only within the United States as permitted by rule 58 but also outside the United States. Specifically, Applicants request that they be allowed to engage in energy management and consulting services anywhere outside the United States. Applicants also request that these entities be allowed to engage in energy marketing in Canada and Mexico and request that the Commission reserve jurisdiction with respect to the granting of authority to provide energy marketing services elsewhere outside the United States. Finally, Applicants request authority to allow these entities to engage in infrastructure services anywhere outside the United States and request that the Commission reserve jurisdiction over this proposal.

IV. Affiliate Transactions

A. Service Companies

Applicants propose that ServeCo will enter into a service agreement with each of the Utility Subsidiaries and other affiliates. Applicants seek certain exemptions from or waiver of the Commission's rules regarding the provision of services at cost to FirstEnergy affiliates as described below. GPU's nuclear operating company, GPU Nuclear, is an approved subsidiary service company. FirstEnergy Nuclear Operating Company also provides operating services to the FirstEnergy nuclear generating plants under the direction and supervision of the plants' owners.

1. Proposed Interim Operations

Currently, FirstEnergy provides many common corporate services to its affiliates, including the FirstEnergy Utility Subsidiaries.[34] As a part of the Merger, GPU Service will become a subsidiary of FirstEnergy. GPU Service is an approved subsidiary service company which provides services to the GPU Subsidiaries. FirstEnergy currently anticipates that all of the service functions of FirstEnergy and of GPU Service will be transferred to ServeCo. ServeCo will be staffed primarily by transferring existing personnel from the current employee rosters of FirstEnergy, GPU Service and the Utility Subsidiaries or other affiliates. In the interim, subject to Commission approval, FirstEnergy will continue to provide services to all its affiliates after the Merger, and GPU Service will function as it has in the past in accordance with Commission approvals. GPU Service may render services to the FirstEnergy Utility Subsidiaries or other Subsidiaries of FirstEnergy following the Merger.

FirstEnergy will cause ServeCo to begin at least minimal operations within 90 days following the closing of the Merger and will transfer to ServeCo the service functions currently conducted by FirstEnergy consistent with continued efficient operation of the FirstEnergy system. In any event, Applicants state that all these service functions will be transferred to ServeCo no later than January 1, 2003. Applicants also state that a determination regarding the status of FENOC and GPU Nuclear will made before January 1, 2003. FirstEnergy requests authority under section 13(a) permitting FirstEnergy to continue to provide services to affiliates, including the Utility Subsidiaries, during this interim period. FirstEnergy will file a separate application with the Commission on or before September 1,

[34] These services include: energy supply management of the bulk power and natural gas supply, procurement of fuels, coordination of electric and natural gas distribution systems, maintenance, construction and engineering work; customer bills and related matters; materials management; facilities; real estate; rights of way; human resources; finance; accounting; internal auditing; information systems; corporate planning and research; public affairs; corporate communications; legal; environmental matters; and executive services.

2002, seeking authorization for ServeCo to consolidate service functions now provided by FirstEnergy, other FirstEnergy entities and GPU Service.

During the interim period, in order to assure that an allocable portion of certain services to be provided by FirstEnergy (*e.g.*, executive services) are properly charged or allocated to all of FirstEnergy's Subsidiaries after the Merger, FirstEnergy will enter into a service agreement with GPU Service. Any charges by FirstEnergy to GPU Service will in turn be assigned and allocated to the GPU Subsidiaries in accordance with the terms of the existing GPU system service agreements. Amounts that were allocated to GPU under the GPU system service agreements will be allocated to FirstEnergy. Except as noted in Section IV.A.2., all services provided by FirstEnergy, ServeCo, GPU Service, GPU Nuclear, and FENOC will be at cost, as defined in rules 90 and 91 under the Act.

2. Exemption Requests

Applicants request authorization for ServeCo, GPU Service and the Nonutility Subsidiaries to enter into agreements to provide construction, goods or services to certain associate companies at fair market prices determined without regard to cost and therefore request an exemption (to the extent that rule 90(d) of the Act does not apply) under section 13(b) from the cost standards of rules 90 and 91.

Applicants note that certain associate companies, currently provide services to the FirstEnergy Utility Subsidiaries at a price not restricted to cost. Applicants request authorization to allow these arrangements, as well as extensions, additions and replacements of these arrangements in the ordinary course of business (the ''At Market Service Arrangements''), to remain in place for a period ending not later than December 31, 2002, and request an exemption or waiver under section 13 from the cost standards of rules 90 and 91, as applicable, for these At Market Service Arrangements.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–22593 Filed 9–7–01; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Agency Meeting

Federal Register Citation of Previous Announcement: [66 FR 46301, September 4, 2001]

Status: Closed meeting.

Place: 450 Fifth Street, NW., Washington, DC.

Date Previously Announced: August 30, 2001.

Change in the Meeting: Deletion.

The following item was not considered at the closed meeting scheduled for Wednesday, September 5, 2001: consideration of actions involving foreign governmental authorities.

At times, change in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 942–7070.

Dated: September 6, 2001.

Jonathan G. Katz,

Secretary.

[FR Doc. 01–22708 Filed 9–6–01; 11:29 am]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

[Public Notice 3771]

Culturally Significant Objects Imported for Exhibition; Determinations: ''Art and Home: Dutch Interiors in the Age of Rembrandt''

DEPARTMENT: United States Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 [79 Stat. 985, 22 U.S.C. 2459], the Foreign Affairs Reform and Restructuring Act of 1998 [112 Stat. 2681 *et seq.*], Delegation of Authority No. 234 of October 1, 1999 [64 FR 56014], Delegation of Authority No. 236 of October 19, 1999 [64 FR 57920], as amended by Delegation of Authority No. 236–3 of August 28, 2000 [65 FR 53795], and Delegation of Authority dated June 29, 2001, I hereby determine that the objects to be included in the exhibit, ''Art and Home: Dutch Interiors in the Age of Rembrandt,'' imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to loan agreements with foreign lenders. I also determine that the temporary exhibition or display of the exhibit objects at The Newark Museum, Newark, New Jersey, from on or about September 26, 2001, to on or about January 20, 2002, the Denver Art Museum, Denver, Colorado, from on or about March 2, 2002, to on or about May 26, 2002, and other possible venues yet to be determined, is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of exhibit objects, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, 202/619–5997, and the address is United States Department of State, SA–44, Room 700, 301 4th Street, SW., Washington, DC 20547–0001.

Dated: September 5, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, United States Department of State.

[FR Doc. 01–22753 Filed 9–7–01; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 3770]

Office of the Coordinator for Counterterrorism; Designation of a Foreign Terrorist Organization

AGENCY: Department of State.

ACTION: Designation of a foreign terrorist organization.

Pursuant to section 219 of the Immigration and Nationality Act (''INA''), as added by the Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. 104–132, section 302, 110 Stat. 1214, 1248 (1996), and amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. 104–208, 110 Stat. 3009 (1996), the Secretary of State hereby designates, effective September 10, 2001, the following organization as a foreign terrorist organization: The ''United Self-Defense Forces of Colombia'', also known as the ''Autodefensas Unidas de Colombia'', also known as the ''AUC''.

Dated: September 5, 2001.

Ambassador Francis X. Taylor,

Coordinator for Counterterrorism, Department of State.

[FR Doc. 01–22638 Filed 9–7–01; 5:00 pm]

BILLING CODE 4710–10–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG 2001–10524]

Collection of Information Under Review by Office of Management and Budget (OMB): OMB Control Number 2115–0514

AGENCY: Coast Guard, DOT.

ACTION: Request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Coast Guard intends to seek the approval of OMB for the renewal of one Information Collection Request (ICR). The ICR comprises Submission of Continuous-Discharge Book, Revised Merchant Mariner's Application, Report of Entry-Level Physical, Report of Other Physical, Report of New Sea Service, and Report of Chemical Testing. Before submitting the ICR to OMB, the Coast Guard is requesting comments on it.

DATES: Comments must reach the Coast Guard on or before November 9, 2001.

ADDRESSES: You may mail comments to the Docket Management System (DMS) [USCG 2001–10524], U. S. Department of Transportation (DOT), room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001, or deliver them to room PL–401, located on the Plaza Level of the Nassif Building at the same address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

The DMS maintains the public docket for this request. Comments will become part of this docket and will be available for inspection or copying in room PL–401, located on the Plaza Level of the Nassif Building at the above address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also access this docket on the Internet at *http://dms.dot.gov.*

Copies of the complete ICR are available through this docket on the Internet at *http://dms.dot.gov* and also from Commandant (G–CIM–2), U.S. Coast Guard Headquarters, room 6106 (Attn: Barbara Davis), 2100 Second Street SW., Washington, DC 20593–0001. The telephone number is 202–267–2326.

FOR FURTHER INFORMATION CONTACT: Barbara Davis, Office of Information Management, 202–267–2326, for questions on this document; or Dorothy Beard, Chief, Documentary Services Division, U.S. Department of Transportation, 202–366–5149, for questions on the docket.

Request for Comments

The Coast Guard encourages interested persons to submit written comments. Persons submitting comments should include their names and addresses, identify this document [USCG 2001–10524], and give the reason for the comments. Please submit all comments and attachments in an unbound format no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped self-addressed postcards or envelopes.

Information Collection Request

1. *Title:* Submission of Continuous-Discharge Book, Revised Merchant Mariner's Application, Report of Entry-Level Physical, Report of Other Physical, Report of New Sea Service, and Report of Chemical Testing.

OMB Control Number: 2115–0514.

Summary: The Coast Guard needs this various information to evaluate the competency, character, and physical fitness of individuals applying for Coast Guard Licenses, Certificates of Registry, and Merchant Mariners' Documents.

Need: 46 U.S.C. 7101 and 7302 give the Coast Guard the authority to issue Licenses, Certificates of Registry, and Merchant Mariners' Documents to individuals found qualified as to age, character, habits of life, experience, professional qualifications, and physical fitness.

Respondents: Merchant Mariners.

Frequency: On occasion.

Burden Estimate: The estimated burden is 21,359 hours a year.

Dated: August 31, 2001.

V.S. Crea,

Director of Information and Technology.

[FR Doc. 01–22627 Filed 9–7–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD08–01–024]

Houston/Galveston Navigation Safety Advisory Committee Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of meetings.

SUMMARY: The Houston/Galveston Navigation Safety Advisory Committee (HOGANSAC) and its working groups will meet to discuss waterway improvements, aids to navigation, area projects impacting safety on the Houston Ship Channel, and various other navigation safety matters in the Galveston Bay area. All meetings will be open to the public.

DATES: The next meeting of HOGANSAC will be held on Wednesday, October 17, 2001 from 9 a.m. to approximately 12 noon. The meeting of the Committee's working groups will be held on Thursday, September 6, 2001, at 9 a.m. The meetings may adjourn early if all business is finished. Members of the public may present written or oral statements at either meeting.

ADDRESSES: The full Committee meeting will be held at the Texas Cruise Ship Terminal, Port of Galveston, Galveston, Texas (409–766–6113). The working group meeting will be held at the Center for Maritime Education, The Seaman's Church Institute, Houston, Texas (713–674–1236).

FOR FURTHER INFORMATION CONTACT: Captain Kevin Cook, Executive Director of HOGANSAC, telephone (713–671–5199), or Commander Peter Simons, Executive Secretary of HOGANSAC, telephone (713–671–5164), e-mail psimons@vtshouston.uscg.mil.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Agendas of the Meetings—Houston/Galveston Navigation Safety Advisory Committee (HOGANSAC)

The tentative agenda includes the following:

(1) Opening remarks by the Committee Sponsor (RADM Casto) (or the Committee Sponsor's representative), Executive Director (CAPT Cook) and Chairman (Tim Leitzell).
(2) Approval of the May 24, 2001 minutes.
(3) Old Business.
  (a) Dredging projects.
  (b) Electronic navigation.
  (c) AtoN Knockdown Working Group.
  (d) Facility Information Guide.
  (e) TNRCC Clean Air Rules and Plans for Houston/Galveston.
  (f) Mooring subcommittee report.
  (g) Membership solicitation.
  (h) 2002 Harbor Safety Conference plans.
  (i) Texas City Container Terminal update.
(4) New Business.
  (a) Operation BoatSmart.
  (b) Navigational considerations impacting movement of offshore rigs in the Galveston Bay region.

Working Group Meeting. The tentative agenda for the working group meeting includes the following:

(1) Presentation by each working group of its accomplishments and plans for the future.

(2) Review and discuss the work completed by each working group. Working groups have been formed to examine the following issues: dredging and related issues, electronic navigation systems, AtoN knockdowns, impact of passing vessels on moored ships, recreational boater education issues. All working groups may not necessarily report out at this session, however, working group discussions not reported out at this October meeting will be addressed at a future meeting of HOGANSAC. Further, working group reports may not necessarily include discussions on all issues within the particular working group's area of responsibility. All meetings are open to the public. Please note that the meetings may adjourn early if all business is finished. Members of the public may make presentations, oral or written, at either meeting.

Information on Services for the Handicapped

For information on facilities or services for the handicapped or to request special assistance at the meetings, contact the Executive Director or Executive Secretary.

Dated: August 16, 2001.

Roy J. Castro,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 01–22582 Filed 9–7–01; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Middle Georgia Regional Airport, Macon, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at the Middle Georgia Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR part 148).

DATES: Comments must be received on or before October 10, 2001.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Atlanta Airport District Office, 1701 Columbia Avenue, Suite 2–260, College Park, Georgia 30337–2747.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Rex Elder, Aviation Director of the Middle Georgia Regional Airport at the following address: City of Macon, Municipal Aviation Department, 1000 Terminal Drive, Macon, Georgia 31297.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the City of Macon under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Daniel Gaetan, Program Manager, Atlanta Airports District Office, Atlanta Airports District Office, 1701 Columbia Avenue, Suite 2–260, College Park, Georgia 30337–2747, (404) 305–7146. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at the Middle Georgia Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On August 28, 2001, the FAA determined that the application to impose and use the revenue from a PFC submitted by the City of Macon, Municipal Airport Department, was substantially complete within the requirements of section 158.25 of Part 148. The FAA will approve or disapprove the application, in whole or in part, no later than December 3, 2001.

The following is a brief overview of the application.

PFC Application No.: PFC No. 01–01–C–00–MCN.

Level of the proposed PFC: $4.50.

Proposed charge effective date: March 1, 2002.

Proposed charge expiration date: November 1, 2008.

Total estimated net PFC revenue: $806,842.

Brief description of proposed project(s): Airport Entrance Road, Rehabilitate Runway 5–23, Improvements to terminal building.

Class or classes of air carriers that the public agency has requested not be required to collect PFCs: Air taxi/Commercial operators (ATCO) filing form 1800–31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.**

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Middle Georgia Regional Airport.

Issued in College Park, Georgia on August 28, 2001.

Scott L. Seritt,

Manager, Atlanta Airports District Office, Southern Region.

[FR Doc. 01–22660 Filed 9–7–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

International Standards on the Transport of Dangerous Goods; Public Meetings

AGENCY: Research and Special Programs Administration (RSPA), Department of Transportation.

ACTION: Notice of public meeting.

SUMMARY: This notice is to advise interested persons that RSPA will conduct a public meeting in preparation for the eighteenth meeting of the International Civil Aviation Organization's Dangerous Goods Panel to be held October 15–25, 2001 in Montreal, Canada.

DATES: October 3, 10 AM–12:30 PM, Room 6332–6336.

ADDRESSES: The meeting will be held at DOT Headquarters, NassifBuilding, Room 6332–6336, 400 Seventh Street SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Bob Richard, International Standards Coordinator, Office of Hazardous Materials Safety, Department of Transportation, Washington, DC 20590; (202) 366–0656.

SUPPLEMENTARY INFORMATION: The purpose of the meeting will be to prepare and discuss positions for the eighteenth meeting of the Dangerous Goods Panel. Topics to be covered during the public meeting will include (1) Air transport packaging requirements, (2) Requirements for lithium batteries, (3) Requirements for cryogenic liquefied gas receptacles, (4) Requirements for UN marked compressed gas cylinders, (5) Harmonization with the 12th revised edition of the UN Model Regulations, (6) Dangerous goods carried by passengers and crew members, (7) Information requirements on the air waybill and notification to pilot in command (NOTOC), (8) Infectious substance requirements, and (9) Incident reporting.

The public is invited to attend without prior notification.

Dated: September 5, 2001.

Robert A. McGuire,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 01–22657 Filed 9–7–01; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34084]

New Hampshire Central Railroad, Inc.—Operation Exemption—Certain Lines of the State of New Hampshire

New Hampshire Central Railroad, Inc. (NHCR), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to operate approximately 36.1 miles of certain rail lines owned by the State of New Hampshire by and through the New Hampshire Department of Transportation (NHDOT).[1] The subject lines consist of railroad lines lying in Grafton and Coos Counties, NH, comprising a portion of railroad rights-of-way known as the Berlin Branch and Groveton Branch as follows: (a) From milepost 113.0 in Littleton, NH, to milepost 125.0 in Whitefield, NH; (b) from milepost 125.0 in Whitefield to milepost 130.9 in Jefferson (Waumbee Junction), NH; and (c) from milepost 130.9 in Jefferson (Waumbec Junction), to a point in Groveton (Northumberland), NH, at the Whistle Post located south of the West Street crossing, that point being the point of intersection with tracks of the St. Lawrence & Atlantic Railroad Company.

NHCR certifies that its annual revenues will not exceed those that would qualify it as a Class III rail carrier and that its annual freight revenues are not projected to exceed $5 million.

The transaction is scheduled to be consummated on August 31, 2001.

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34084, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Richard A. Currier, P. O. Box 248, Colebrook, NH 03576.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: August 30, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01–22485 Filed 9–7–01; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket Nos. AB–589X[1]; AB–295 (Sub–No. 4X)]

Monon Rail Preservation Corporation—Abandonment Exemption and the Indiana Rail Road Company—Discontinuance of Service Exemption; Monroe County, IN

On August 21, 2001, Monon Rail Preservation Corporation (Monon) and The Indiana Rail Road Company (INRD) (collectively, petitioners) jointly filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 for Monon to abandon and for INRD to discontinue service over a 1,500-foot segment of Monon's Ellettsville Line,[2] extending from the end of the line at milepost Q213.41 to milepost Q213.69, in Monroe County, IN. The line traverses U.S. Postal Service Zip Code 47429. There are no stations on the line.

The line does not contain federally granted rights-of-way. Any documentation in Monon's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by December 7, 2001.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a $1,000 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than October 1, 2001. Each trail use request must be accompanied by a $150 filing fee. See 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket Nos. AB–589X and AB–295 (Sub-No. 4X) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001; and (2) John Broadley, 1054 31st Street NW., Suite 200, Washington, DC 20007. Replies to the petition are due on or before October 1, 2001.

Persons seeking further information concerning abandonment and discontinuance procedures may contact the Board's Office of Public Services at (202) 565–1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565–1545. (TDD for the hearing impaired is available at 1–800–877–8339.)

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on

[1] The parties state that NHCR and the State of New Hampshire, by its Department of Transportation, entered into an operating agreement on December 1, 2000, providing for NHCR's operation of the subject line.

NHCR will replace New Hampshire and Vermont Railroad Company, which had operated under an agreement with NHDOT that was terminated effective December 31, 2000. *See New Hampshire and Vermont Railroad Company Operation Exemption—Certain Lines of the State of New Hampshire,* STB Finance Docket No. 33727 (STB served Apr. 16, 1999).

[1] The docket numbers of the parties were transposed in the petition for exemption.

[2] INRD was granted local trackage rights over the entire Ellettsville Line in *The Indiana Rail Road Company—Trackage Rights Exemption—Monon Rail Preservation Corporation*, STB Finance Docket No. 33669 (STB served Oct. 16, 1998). Subsequently, INRD was authorized to operate the Ellettsville Line in *The Indiana Rail Road Company—Operation Exemption—Monon Rail Preservation Corporation*, STB Finance Docket No. 33670 (STB served Feb. 21, 2001). Although petitioners characterize INRD's transaction as a discontinuance of trackage rights, they are technically seeking, with respect to the 1,500-foot segment, discontinuance of INRD's service under the operating agreement, which superseded the trackage rights.

the EA will generally be within 30 days of its service.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: August 31, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01–22635 Filed 9–7–01; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Performance Review Board

AGENCY: Department of the Treasury.

ACTION: Notice.

SUMMARY: This notice lists the membership to the Departmental Offices' Performance Review Board (PRB) and supersedes the list published in **Federal Register** 54601, Vol. 65, No. 174, dated September 8, 2000, in accordance with 5 U.S.C. 4314(c)(4). The purpose of the PRB is to review the performance of members of the Senior Executive Service and make recommendations regarding performance ratings, performance awards, and other personnel actions.

The names and titles of the PRB members are as follows:

Steven O. App—Deputy Chief Financial Officer
Maria E. Canales—Director, Liaison and Business Services
Mary Chaves—Director, Office of International Trade
Marcia H. Coates—Director, Office of Equal Opportunity Program
Edward J. DeMarco—Director, Office of Government Sponsored Enterprises Policy
Anna F. Dixon—Director, Office of Enforcement Budget Res. Policy
Kay Frances Dolan—Deputy Assistant Secretary (Human Resources)
James Fall, III—Deputy Assistant Secretary (Technical Assistance Policy)
James J. Flyik—Deputy Assistant Secretary, (Information Systems) and Chief Information Officer
Geraldine A. Geradi—Director, Business Taxation
Ronald A. Glaser—Director, Office of Personnel Policy
John C. Hambor—Director, Office of Policy Analysis
Barry K. Hudson—Director, Office of Financial Management
Donald W. Kiefer—Director, Office of Tax Analysis
Jeffrey F. Kupfer—Executive Secretary
David A. Lebryk—Deputy Assistant Secretary (Fiscal Operations and Policy)
Nancy Lee—Director, Office of Central and Eastern European Nations
James R. Lingebach—Director, Office of Accounting and Internal Control
David G. Loevinger—Director, East Asian Nations
Carl L. Moravitz—Director, Office of Budget
William C. Murden—Director, Office of International Banking and Securities Markets
Robert R. Newcomb—Director, Office of Foreign Assets Control
Joel D. Platt—Director, Revenue Estimating
Steven C. Radelet—Deputy Assistant Secretary (Asia, The Americas and Africa)
William C. Randolph—Director, International Taxation
Corey Rindner—Director, Office of Procurement
Michael L. Romey—Special Assistant to the Secretary National Security
Mary Beth Shaw—Director, DC Pensions Project Office
Gay H. Sills—Director, Office of International Investment
James F. Sloan—Director, FinCen
Mark D. Sobel—Deputy Assistant Secretary (International Money & Financial Policy)
Eric Solomon—Deputy Assistant Secretary (Regulatory Affairs)
Jane L. Sullivan—Director, Information Technology and Policy Strategy
Thomas C. Wiesner—Director, Customer Service Infrastructure and Operations

FOR FURTHER INFORMATION CONTACT: Barbara A. Hagle, Executive Secretary, PRB, U.S. Department of the Treasury, 1500 Pennsylvania Avenue, NW., Room 6109, Metropolitan Square, Washington, DC 20220. Telephone: 202–622–2209. This notice does not meet the Department's criteria for significant regulations.

James J. Flyzik,

Acting Assistant Secretary for Management, and Chief Information Officer.

[FR Doc. 01–22592 Filed 9–7–01; 8:45 am]

BILLING CODE 4810–25–M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 01–62]

Cancellation of Customs Broker License

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Customs broker license cancellation.

SUMMARY: Pursuant to section 641 of the Tariff Act of 1930, as amended, (19 U.S.C. 1641) and the Customs Regulations (19 CFR 111.51), the following Customs broker license is canceled without prejudice.

Name	License #	Port name
Danzas Corporation.	2005	New York.

Dated: August 22, 2001.

Bonni G. Tischler,

Assistant Commissioner, Office of Field Operations.

[FR Doc. 01–22564 Filed 9–7–01; 8:45 am]

BILLING CODE 4820–02–P

Corrections

Federal Register

Vol. 66, No. 175

Monday, September 10, 2001

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 3 and 170

Notice Registration as a Futures Commission Merchant or Introducing Broker for Certain Securities Brokers or Dealers

Correction

In rule document 01–20628 beginning on page 43080 in the issue of Friday, August 17, 2001, make the following correction:

On page 43081, in the third column, in footnote number 9, in the second line, ''NRA's amendment'' should read ''NFA's amendment''.

[FR Doc. C1–20628 Filed 9–7–01; 8:45 am]

BILLING CODE 1505–01–D

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN 3150–AG83

List of Approved Spent Fuel Storage Casks: NAC-MPC Revision

Correction

In proposed rules document 01–21935 beginning on page 45788 in the issue of Thursday, August 30, 2001, make the following correction:

On page 45788, in the third column, in the first complete paragraph, in the sixth line, ''November 15, 2001'' should read ''November 13, 2001 ''.

[FR Doc. C1–21935 Filed 9–7–01; 8:45 am]

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44734; File No. SR–NASD–2001–42]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 To Extend the Expiration Date of Nasdaq's Transaction Credit Pilot Program

August 22, 2001.

Correction

In notice document 01–21651 beginning on page 45347 in the issue of Tuesday, August 28, 2001, make the following correction:

On page 45348, in the second column, in the last two sentences of the first paragraph, ''[insert date 21 days from the date of publication]'' should read ''September 18, 2001''.

[FR Doc. C1–21651 Filed 9–7–01; 8:45 am]

BILLING CODE 1505–01–D

Reader Aids

Federal Register

Vol. 66, No. 175

Monday, September 10, 2001

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids — **202–523–5227**

Laws — **523–5227**

Presidential Documents

Executive orders and proclamations — **523–5227**

The United States Government Manual — **523–5227**

Other Services

Electronic and on-line services (voice) — **523–4534**

Privacy Act Compilation — **523–3187**

Public Laws Update Service (numbers, dates, etc.) — **523–6641**

TTY for the deaf-and-hard-of-hearing — **523–5229**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications:

http://www.access.gpo.gov/nara

Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access:

http://www.nara.gov/fedreg

E-mail

PENS (Public Law Electronic Notification Service) is an E-mail service for notification of recently enacted Public Laws. To subscribe, send E-mail to

listserv@listserv.gsa.gov

with the text message:

subscribe PUBLAWS-L your name

Use listserv@www.gsa.gov only to subscribe or unsubscribe to PENS. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to:

info@fedreg.nara.gov

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATE, SEPTEMBER

46211–46364 4
46365–46508 5
46509–46692 6
46693–46936 7
46937–47060 10

CFR PARTS AFFECTED DURING SEPTEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
7459 46507

Administrative Orders
Presidential Determinations:
No. 2001–24 of August 18, 2001 46693
No. 2001–25 of August 18, 2001 46695

5 CFR

Proposed Rules:
213 68

7 CFR

301 ..... 46365, 46509, 46692
354 46211

Proposed Rules:
735 46310
736 46310
737 46310
738 46310
739 46310
740 46310
741 46310
742 46310

8 CFR

214 46697
245 46697
248 46697
274a 46697
299 46697

9 CFR

54 46686
79 46686

Proposed Rules:
94 46228

10 CFR

Proposed Rules:
2 46230
20 46230
50 46230
72 47059
852 46742

12 CFR

749 46307

14 CFR

25 46937
39 ..... 46214, 46509, 46510, 46512, 46515, 46517, 46939
71 ..... 46216, 46366
97 46940

Proposed Rules:
39 ..... 46239, 46241, 46243, 46246, 46247, 46562, 46968
71 46366
121 46308
139 46308

15 CFR

922 46942

Proposed Rules:
801 46407

17 CFR

3 47059
170 47059

19 CFR

148 46217

20 CFR

Proposed Rules:
200 46408

21 CFR

510 ..... 46367, 46368, 46518
520 46369
522 46705
524 ..... 46368, 46369, 46705
556 46370
558 ..... 46371, 46518, 46705
872 46951
878 46951
880 46951
882 46951
884 46951
892 46951
1313 46519

Proposed Rules:
888 46563
1300 46567
1301 46567
1304 46567
1305 46567
1306 46567

24 CFR

Proposed Rules:
203 46502

25 CFR

103 46307

32 CFR

230 46372
231 46707
231a 46372

33 CFR

100 ..... 46374, 46375, 46377, 46521
117 ..... 46522, 46523, 46525
165 46218

36 CFR

Proposed Rules:
1254 46752

37 CFR

Proposed Rules:
1.....46409
260.....46250

38 CFR

Proposed Rules:
17.....46499

40 CFR

52 .....46220, 46379, 46525, 46727, 46953
62.....46960
141.....46221
180 .....46381, 46390, 46729
271.....46961
300.....46533

Proposed Rules:
52 .....46415, 46571, 46573, 46753, 46754, 46755, 46758, 46760, 46971
62.....46972
70.....46972
141.....46251, 46928
180.....46415
271.....46976
300.....46574

42 CFR

412.....46902
447.....46397

Proposed Rules:
431.....46763

45 CFR

96.....46225
670.....46739

Proposed Rules:
1611.....46976
1626.....46977

47 CFR

73.....46399

Proposed Rules:
73 .....46425, 46426, 46427

50 CFR

17.....46536, 46548
32.....46346
300.....46740
635.....46400, 46401
660.....46403, 46966
679.....46404, 46967

Proposed Rules:
17 .....46251, 46428, 46575
648.....46978, 46979

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT SEPTEMBER 10, 2001

ENVIRONMENTAL PROTECTION AGENCY

Air pollution; standards of performance for new stationary sources:
- Large municipal waste combustors; emission guidelines, etc.; published 7-12-01

Air programs; State authority delegations:
- Ohio; published 7-11-01

Air quality implementation plans; approval and promulgation; various States:
- Texas; published 7-10-01

FEDERAL COMMUNICATIONS COMMISSION

Digital television stations; table of assignments:
- Kentucky; published 8-1-01
- Missouri; published 8-1-01
- Montana; published 8-1-01
- Virginia; published 7-31-01

Radio stations; table of assignments:
- New York and Oregon; published 7-31-01

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Medical devices:
- Class I devices; premarket notification requirements, exemption; technical amendment; published 9-10-01

TRANSPORTATION DEPARTMENT

Coast Guard

Drawbridge operations:
- Louisiana; published 9-6-01

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:
- Airbus; published 8-6-01
- BAe Systems (Operations) Ltd.; published 8-6-01
- Bombardier; published 8-6-01
- Fokker; published 8-6-01
- Raytheon; published 8-6-01

TREASURY DEPARTMENT

Comptroller of the Currency

Community bank-focused regulation revew; published 6-11-01

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Prunes (dried) produced in—
- California; comments due by 9-19-01; published 8-20-01

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Export certification:
- Canadian solid wood packing materials exported from United States to China; heat treatment; comments due by 9-17-01; published 7-17-01

Hawaiian and territorial quarantine notices:
- Rambutan, longan, and litchi from Hawaii; comments due by 9-17-01; published 7-18-01

Plant-related quarantine, domestic:
- Gypsy moth; comments due by 9-17-01; published 7-17-01
- Karnal bunt; comments due by 9-17-01; published 7-19-01
- Pine shoot beetle; comments due by 9-17-01; published 7-18-01

Poultry improvement:
- National Poultry Improvement Plan and auxiliary provisions—
  - Plan participants and participating flocks; new or modified sampling and testing procedures; comments due by 9-18-01; published 7-20-01

Viruses, serums, toxins, etc.:
- Erysipelothrix rhusiopathiae bacterin; comments due by 9-17-01; published 7-17-01

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:
- Caribbean, Gulf, and South Atlantic fisheries, and Gulf of Mexico and South Atlantic spiny lobster—
  - Tortugas Marine Reserves establishment; comments due by 9-17-01; published 7-19-01
- Caribbean, Gulf, and South Atlantic fisheries—
  - Gulf of Mexico shrimp; comments due by 9-17-01; published 7-19-01
- West Coast States and Western Pacific fisheries—
  - West Coast salmon; comments due by 9-20-01; published 9-5-01

ENVIRONMENTAL PROTECTION AGENCY

Air programs; approval and promulgation; State plans for designated facilities and pollutants:
- Pennsylvania; comments due by 9-19-01; published 8-20-01

Air quality implementation plans:
- Preparation, adoption, and submittal—
  - Regional haze standards; best available retrofit technology determinations; implementation guidelines; comments due by 9-18-01; published 7-20-01

Air quality implementation plans; approval and promulgation; various States:
- California; comments due by 9-19-01; published 8-20-01
- Kentucky; comments due by 9-19-01; published 8-20-01
- Maryland; comments due by 9-19-01; published 8-20-01
- Pennsylvania; comments due by 9-19-01; published 8-20-01
- Wisconsin; comments due by 9-17-01; published 8-16-01

Air quality implementation plans; √A√approval and promulgation; various States; air quality planning purposes; designation of areas:
- Colorado; comments due by 9-21-01; published 8-22-01

Hazardous waste program authorizations:
- Idaho; comments due by 9-21-01; published 8-22-01
- Indiana; comments due by 9-17-01; published 8-17-01
- South Carolina; comments due by 9-20-01; published 8-21-01
- Vermont; comments due by 9-17-01; published 8-16-01

Pesticide programs:
- Plant-incorporated protectants (formerly plant-pesticides)—
  - Plants sexually compatible with recipient plant; exemptions; comments due by 9-19-01; published 8-20-01

Superfund program:
- Community right-to-know toxic chemical release reporting—
  - Lead and lead compounds; comments due by 9-20-01; published 8-21-01
- National oil and hazardous substances contingency plan—
  - National priorities list update; comments due by 9-20-01; published 8-21-01
  - National priorities list update; comments due by 9-20-01; published 8-21-01

Toxic substances:
- Significant new uses—
  - Polymer of substituted aryl olefin, etc.; comments due by 9-17-01; published 8-16-01
  - Resorcinol, formaldehyde substituted carbomonocycle resin, etc.; comments due by 9-17-01; published 8-16-01

FEDERAL COMMUNICATIONS COMMISSION

Digital television stations; table of assignments:
- Florida; comments due by 9-17-01; published 8-1-01
- Louisiana; comments due by 9-21-01; published 8-6-01
- Maine; comments due by 9-21-01; published 8-6-01
- Michigan; comments due by 9-21-01; published 8-6-01
- Montana; comments due by 9-17-01; published 8-1-01
- New Mexico; comments due by 9-17-01; published 8-2-01
- Texas; comments due by 9-17-01; published 8-1-01
- West Virginia; comments due by 9-21-01; published 8-6-01

Radio stations; table of assignments:

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''PLUS'' (Public Laws Update Service) on 202–523–6641. This list is also available online at *http://www.nara.gov/fedreg.*

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at *http://www.access.gpo.gov/nara/index.html*. Some laws may not yet be available.

H.R. 93/P.L. 107–27

Federal Firefighters Retirement Age Fairness Act (Aug. 20, 2001; 115 Stat. 207)

H.R. 271/P.L. 107–28

To direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the city of Carson City, Nevada, for use as a senior center. (Aug. 20, 2001; 115 Stat. 208)

H.R. 364/P.L. 107–29

To designate the facility of the United States Postal Service located at 5927 Southwest 70th Street in Miami, Florida, as the ''Marjory Williams Scrivens Post Office''. (Aug. 20, 2001; 115 Stat. 209)

H.R. 427/P.L. 107–30

To provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, and for other purposes. (Aug. 20, 2001; 115 Stat. 210)

H.R. 558/P.L. 107–31

To designate the Federal building and United States courthouse located at 504 West Hamilton Street in Allentown, Pennsylvania, as the ''Edward N. Cahn Federal Building and United States Courthouse''. (Aug. 20, 2001; 115 Stat. 213)

H.R. 821/P.L. 107–32

To designate the facility of the United States Postal Service located at 1030 South Church Street in Asheboro, North Carolina, as the ''W. Joe Trogdon Post Office Building''. (Aug. 20, 2001; 115 Stat. 214)

H.R. 988/P.L. 107–33

To designate the United States courthouse located at 40 Centre Street in New York, New York, as the ''Thurgood Marshall United States Courthouse''. (Aug. 20, 2001; 115 Stat. 215)

H.R. 1183/P.L. 107–34

To designate the facility of the United States Postal Service located at 113 South Main Street in Sylvania, Georgia, as the ''G. Elliot Hagan Post Office Building''. (Aug. 20, 2001; 115 Stat. 216)

H.R. 1753/P.L. 107–35

To designate the facility of the United States Postal Service located at 419 Rutherford Avenue, N.E., in Roanoke, Virginia, as the ''M. Caldwell Butler Post Office Building''. (Aug. 20, 2001; 115 Stat. 217)

H.R. 2043/P.L. 107–36

To designate the facility of the United States Postal Service located at 2719 South Webster Street in Kokomo, Indiana, as the ''Elwood

Haynes 'Bud' Hillis Post Office Building''. (Aug. 20, 2001; 115 Stat. 218)

Last List August 21, 2001

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to *http://hydra.gsa.gov/archives/publaws-l.html* or send e-mail to **listserv@listserv.gsa.gov** with the following text message:

SUBSCRIBE PUBLAWS-L Your Name.

Note: This service is strictly for e-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The CFR is available free on-line through the Government Printing Office's GPO Access Service at http://www.access.gpo.gov/nara/cfr/index.html. For information about GPO Access call the GPO User Support Team at 1-888-293-6498 (toll free) or 202-512-1530.

The annual rate for subscription to all revised paper volumes is $951.00 domestic, $237.75 additional for foreign mailing.

Mail orders to the Superintendent of Documents, Attn: New Orders, P.O. Box 371954, Pittsburgh, PA 15250–7954. All orders must be accompanied by remittance (check, money order, GPO Deposit Account, VISA, Master Card, or Discover). Charge orders may be telephoned to the GPO Order Desk, Monday through Friday, at **(202) 512–1800** from 8:00 a.m. to 4:00 p.m. eastern time, or FAX your charge orders to **(202) 512-2250**.

Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869–044–00001–6)	6.50	[4]Jan. 1, 2001
3 (1997 Compilation and Parts 100 and 101)	(869–044–00002–4)	36.00	[1] Jan. 1, 2001
4	(869–044–00003–2)	9.00	Jan. 1, 2001
5 Parts:			
1–699	(869–044–00004–1)	53.00	Jan. 1, 2001
700–1199	(869–044–00005–9)	44.00	Jan. 1, 2001
1200–End, 6 (6 Reserved)	(869–044–00006–7)	55.00	Jan. 1, 2001
7 Parts:			
1–26	(869–044–00007–5)	40.00	[4]Jan. 1, 2001
27–52	(869–044–00008–3)	45.00	Jan. 1, 2001
53–209	(869–044–00009–1)	34.00	Jan. 1, 2001
210–299	(869–044–00010–5)	56.00	Jan. 1, 2001
300–399	(869–044–00011–3)	38.00	Jan. 1, 2001
400–699	(869–044–00012–1)	53.00	Jan. 1, 2001
700–899	(869–044–00013–0)	50.00	Jan. 1, 2001
900–999	(869–044–00014–8)	54.00	Jan. 1, 2001
1000–1199	(869–044–00015–6)	24.00	Jan. 1, 2001
1200–1599	(869–044–00016–4)	55.00	Jan. 1, 2001
1600–1899	(869–044–00017–2)	57.00	Jan. 1, 2001
1900–1939	(869–044–00018–1)	21.00	[4]Jan. 1, 2001
1940–1949	(869–044–00019–9)	37.00	[4]Jan. 1, 2001
1950–1999	(869–044–00020–2)	45.00	Jan. 1, 2001
2000–End	(869–044–00021–1)	43.00	Jan. 1, 2001
8	(869–044–00022–9)	54.00	Jan. 1, 2001
9 Parts:			
1–199	(869–044–00023–7)	55.00	Jan. 1, 2001
200–End	(869–044–00024–5)	53.00	Jan. 1, 2001
10 Parts:			
1–50	(869–044–00025–3)	55.00	Jan. 1, 2001
51–199	(869–044–00026–1)	52.00	Jan. 1, 2001
200–499	(869–044–00027–0)	53.00	Jan. 1, 2001
500–End	(869–044–00028–8)	55.00	Jan. 1, 2001
11	(869–044–00029–6)	31.00	Jan. 1, 2001
12 Parts:			
1–199	(869–044–00030–0)	27.00	Jan. 1, 2001
200–219	(869–044–00031–8)	32.00	Jan. 1, 2001
220–299	(869–044–00032–6)	54.00	Jan. 1, 2001
300–499	(869–044–00033–4)	41.00	Jan. 1, 2001
500–599	(869–044–00034–2)	38.00	Jan. 1, 2001
600–End	(869–044–00035–1)	57.00	Jan. 1, 2001
13	(869–044–00036–9)	45.00	Jan. 1, 2001
14 Parts:			
1–59	(869–044–00037–7)	57.00	Jan. 1, 2001
60–139	(869–044–00038–5)	55.00	Jan. 1, 2001
140–199	(869–044–00039–3)	26.00	Jan. 1, 2001
200–1199	(869–044–00040–7)	44.00	Jan. 1, 2001
1200–End	(869–044–00041–5)	37.00	Jan. 1, 2001
15 Parts:			
0–299	(869–044–00042–3)	36.00	Jan. 1, 2001
300–799	(869–044–00043–1)	54.00	Jan. 1, 2001
800–End	(869–044–00044–0)	40.00	Jan. 1, 2001
16 Parts:			
0–999	(869–044–00045–8)	45.00	Jan. 1, 2001
1000–End	(869–044–00046–6)	53.00	Jan. 1, 2001
17 Parts:			
1–199	(869–044–00048–2)	45.00	Apr. 1, 2001
200–239	(869–044–00049–1)	51.00	Apr. 1, 2001
240–End	(869–044–00050–4)	55.00	Apr. 1, 2001
18 Parts:			
1–399	(869–044–00051–2)	56.00	Apr. 1, 2001
400–End	(869–044–00052–1)	23.00	Apr. 1, 2001
19 Parts:			
1–140	(869–044–00053–9)	54.00	Apr. 1, 2001
141–199	(869–044–00054–7)	53.00	Apr. 1, 2001
200–End	(869–044–00055–5)	20.00	[5]Apr. 1, 2001
20 Parts:			
1–399	(869–044–00056–3)	45.00	Apr. 1, 2001
400–499	(869–044–00057–1)	57.00	Apr. 1, 2001
500–End	(869–044–00058–0)	57.00	Apr. 1, 2001
21 Parts:			
1–99	(869–044–00059–8)	37.00	Apr. 1, 2001
100–169	(869–044–00060–1)	44.00	Apr. 1, 2001
170–199	(869–044–00061–0)	45.00	Apr. 1, 2001
200–299	(869–044–00062–8)	16.00	Apr. 1, 2001
300–499	(869–044–00063–6)	27.00	Apr. 1, 2001
500–599	(869–044–00064–4)	44.00	Apr. 1, 2001
600–799	(869–044–00065–2)	15.00	Apr. 1, 2001
800–1299	(869–044–00066–1)	52.00	Apr. 1, 2001
1300–End	(869–044–00067–9)	20.00	Apr. 1, 2001
22 Parts:			
1–299	(869–044–00068–7)	56.00	Apr. 1, 2001
300–End	(869–044–00069–5)	42.00	Apr. 1, 2001
23	(869–044–00070–9)	40.00	Apr. 1, 2001
24 Parts:			
0–199	(869–044–00071–7)	53.00	Apr. 1, 2001
200–499	(869–044–00072–5)	45.00	Apr. 1, 2001
500–699	(869–044–00073–3)	27.00	Apr. 1, 2001
700–1699	(869–044–00074–1)	55.00	Apr. 1, 2001
1700–End	(869–044–00075–0)	28.00	Apr. 1, 2001
25	(869–044–00076–8)	57.00	Apr. 1, 2001
26 Parts:			
§§ 1.0-1–1.60	(869–044–00077–6)	43.00	Apr. 1, 2001
§§ 1.61–1.169	(869–044–00078–4)	57.00	Apr. 1, 2001
§§ 1.170–1.300	(869–044–00079–2)	52.00	Apr. 1, 2001
§§ 1.301–1.400	(869–044–00080–6)	41.00	Apr. 1, 2001
§§ 1.401–1.440	(869–042–00081–1)	47.00	Apr. 1, 2000
§§ 1.441-1.500	(869-044-00082-2)	45.00	Apr. 1, 2001
§§ 1.501–1.640	(869–044–00083–1)	44.00	Apr. 1, 2001
§§ 1.641–1.850	(869–044–00084–9)	53.00	Apr. 1, 2001
§§ 1.851–1.907	(869–044–00085–7)	54.00	Apr. 1, 2001
§§ 1.908–1.1000	(869–044–00086–5)	53.00	Apr. 1, 2001
§§ 1.1001–1.1400	(869–044–00087–3)	55.00	Apr. 1, 2001
§§ 1.1401–End	(869–044–00088–1)	58.00	Apr. 1, 2001
2–29	(869–044–00089–0)	54.00	Apr. 1, 2001
30–39	(869–044–00090–3)	37.00	Apr. 1, 2001
40–49	(869–044–00091–1)	25.00	Apr. 1, 2001
50–299	(869–044–00092–0)	23.00	Apr. 1, 2001
300–499	(869–044–00093–8)	54.00	Apr. 1, 2001
500–599	(869–044–00094–6)	12.00	[5]Apr. 1, 2001
600–End	(869–044–00095–4)	15.00	Apr. 1, 2001
27 Parts:			
1–199	(869–044–00096–2)	57.00	Apr. 1, 2001

Title	Stock Number	Price	Revision Date
200–End	(869–044–00097–1)	26.00	Apr. 1, 2001
28 Parts:			
0-42	(869–044–00098–9)	55.00	July 1, 2001
*43-end	(869-044-00099-7)	50.00	July 1, 2001
29 Parts:			
0–99	(869–042–00100–1)	33.00	July 1, 2000
100–499	(869–044–00101–2)	14.00	[6]July 1, 2001
500–899	(869–044–00102–1)	47.00	[6]July 1, 2001
900–1899	(869–042–00103–6)	24.00	July 1, 2000
1900–1910 (§§ 1900 to 1910.999)	(869–042–00104–4)	46.00	[6]July 1, 2000
1910 (§§ 1910.1000 to end)	(869–042–00105–2)	28.00	[6]July 1, 2000
1911–1925	(869–044–00106–3)	20.00	[6]July 1, 2001
1926	(869–042–00107–9)	30.00	[6]July 1, 2000
1927–End	(869–042–00108–7)	49.00	July 1, 2000
30 Parts:			
1–199	(869–042–00109–5)	38.00	July 1, 2000
*200–699	(869–044–00110–1)	45.00	July 1, 2001
*700–End	(869–044–00111–7)	53.00	July 1, 2001
31 Parts:			
0–199	(869–044–00112–8)	32.00	July 1, 2001
200–End	(869–042–00113–3)	53.00	July 1, 2000
32 Parts:			
1–39, Vol. I		15.00	[2] July 1, 1984
1–39, Vol. II		19.00	[2] July 1, 1984
1–39, Vol. III		18.00	[2] July 1, 1984
1–190	(869–044–00114–4)	51.00	[6]July 1, 2001
191–399	(869–042–00115–0)	62.00	July 1, 2000
400–629	(869–044–00116–8)	35.00	[6]July 1, 2001
630–699	(869–042–00117–6)	25.00	July 1, 2000
700–799	(869–042–00118–4)	31.00	July 1, 2000
800–End	(869–042–00119–2)	32.00	July 1, 2000
33 Parts:			
1–124	(869–042–00120–6)	35.00	July 1, 2000
125–199	(869–042–00121–4)	45.00	July 1, 2000
200–End	(869–042–00122–5)	36.00	July 1, 2000
34 Parts:			
1–299	(869–042–00123–1)	31.00	July 1, 2000
300–399	(869–042–00124–9)	28.00	July 1, 2000
400–End	(869–042–00125–7)	54.00	July 1, 2000
35	(869–042–00126–5)	10.00	July 1, 2000
36 Parts			
1–199	(869–042–00127–3)	24.00	July 1, 2000
200–299	(869–042–00128–1)	24.00	July 1, 2000
300–End	(869–042–00129–0)	43.00	July 1, 2000
37	(869–042–00130–3)	32.00	July 1, 2000
38 Parts:			
0–17	(869–042–00131–1)	40.00	July 1, 2000
18–End	(869–042–00132–0)	47.00	July 1, 2000
39	(869–042–00133–8)	28.00	July 1, 2000
40 Parts:			
1–49	(869–042–00134–6)	37.00	July 1, 2000
50–51	(869–042–00135–4)	28.00	July 1, 2000
52 (52.01–52.1018)	(869–042–00136–2)	36.00	July 1, 2000
52 (52.1019–End)	(869–042–00137–1)	44.00	July 1, 2000
53–59	(869–042–00138–9)	21.00	July 1, 2000
60	(869–042–00139–7)	66.00	July 1, 2000
61–62	(869–042–00140–1)	23.00	July 1, 2000
63 (63.1–63.1119)	(869–042–00141–9)	66.00	July 1, 2000
63 (63.1200–End)	(869–042–00142–7)	49.00	July 1, 2000
64–71	(869–042–00143–5)	12.00	July 1, 2000
72–80	(869–042–00144–3)	47.00	July 1, 2000
81–85	(869–042–00145–1)	36.00	July 1, 2000
86	(869–042–00146–0)	66.00	July 1, 2000
87-99	(869–044–00150–1)	54.00	July 1, 2000
136–149	(869–042–00148–6)	42.00	July 1, 2000
150–189	(869–042–00149–4)	38.00	July 1, 2000
190–259	(869–042–00150–8)	25.00	July 1, 2000
260–265	(869–042–00151–6)	36.00	July 1, 2000
266–299	(869–042–00152–4)	35.00	July 1, 2000
*300–399	(869–044–00157–8)	41.00	July 1, 2001
400–424	(869–042–00154–1)	37.00	July 1, 2000
425–699	(869–042–00155–9)	48.00	July 1, 2000
700–789	(869–042–00156–7)	46.00	July 1, 2000
790–End	(869–042–00157–5)	23.00	[6]July 1, 2000
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
1–100	(869–042–00158–3)	15.00	July 1, 2000
101	(869–042–00159–1)	37.00	July 1, 2000
102–200	(869–042–00160–5)	21.00	July 1, 2000
201–End	(869–042–00161–3)	16.00	July 1, 2000
42 Parts:			
1–399	(869–042–00162–1)	53.00	Oct. 1, 2000
400–429	(869–042–00163–0)	55.00	Oct. 1, 2000
430–End	(869–042–00164–8)	57.00	Oct. 1, 2000
43 Parts:			
1–999	(869–042–00165–6)	45.00	Oct. 1, 2000
1000–end	(869–042–00166–4)	55.00	Oct. 1, 2000
44	(869–042–00167–2)	45.00	Oct. 1, 2000
45 Parts:			
1–199	(869–042–00168–1)	50.00	Oct. 1, 2000
200–499	(869–042–00169–9)	29.00	Oct. 1, 2000
500–1199	(869–042–00170–2)	45.00	Oct. 1, 2000
1200–End	(869–042–00171–1)	54.00	Oct. 1, 2000
46 Parts:			
1–40	(869–042–00172–9)	42.00	Oct. 1, 2000
41–69	(869–042–00173–7)	34.00	Oct. 1, 2000
70–89	(869–042–00174–5)	13.00	Oct. 1, 2000
90–139	(869–042–00175–3)	41.00	Oct. 1, 2000
140–155	(869–042–00176–1)	23.00	Oct. 1, 2000
156–165	(869–042–00177–0)	31.00	Oct. 1, 2000
166–199	(869–042–00178–8)	42.00	Oct. 1, 2000
200–499	(869–042–00179–6)	36.00	Oct. 1, 2000
500–End	(869–042–00180–0)	23.00	Oct. 1, 2000
47 Parts:			
0–19	(869–042–00181–8)	54.00	Oct. 1, 2000
20–39	(869–042–00182–6)	41.00	Oct. 1, 2000
40–69	(869–042–00183–4)	41.00	Oct. 1, 2000
70–79	(869–042–00184–2)	54.00	Oct. 1, 2000
80–End	(869–042–00185–1)	54.00	Oct. 1, 2000
48 Chapters:			
1 (Parts 1–51)	(869–042–00186–9)	57.00	Oct. 1, 2000
1 (Parts 52–99)	(869–042–00187–7)	45.00	Oct. 1, 2000
2 (Parts 201–299)	(869–042–00188–5)	53.00	Oct. 1, 2000
3–6	(869–042–00189–3)	40.00	Oct. 1, 2000
7–14	(869–042–00190–7)	52.00	Oct. 1, 2000
15–28	(869–042–00191–5)	53.00	Oct. 1, 2000
29–End	(869–042–00192–3)	38.00	Oct. 1, 2000
49 Parts:			
1–99	(869–042–00193–1)	53.00	Oct. 1, 2000
100–185	(869–042–00194–0)	57.00	Oct. 1, 2000
186–199	(869–042–00195–8)	17.00	Oct. 1, 2000
200–399	(869–042–00196–6)	57.00	Oct. 1, 2000
400–999	(869–042–00197–4)	58.00	Oct. 1, 2000
1000–1199	(869–042–00198–2)	25.00	Oct. 1, 2000
1200–End	(869–042–00199–1)	21.00	Oct. 1, 2000
50 Parts:			
1–199	(869–042–00200–8)	55.00	Oct. 1, 2000
200–599	(869–042–00201–6)	35.00	Oct. 1, 2000

Title	Stock Number	Price	Revision Date
600–End	(869–042–00202–4)	55.00	Oct. 1, 2000
CFR Index and Findings Aids	(869–044–00047–4)	56.00	Jan. 1, 2001
Complete 2000 CFR set		1,094.00	2000
Microfiche CFR Edition:			
Subscription (mailed as issued)		290.00	1999
Individual copies		1.00	1999
Complete set (one-time mailing)		247.00	1997
Complete set (one-time mailing)		264.00	1996

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period January 1, 2000, through January 1, 2001. The CFR volume issued as of January 1, 2000 should be retained.

[5] No amendments to this volume were promulgated during the period April 1, 2000, through April 1, 2001. The CFR volume issued as of April 1, 2000 should be retained.

[6] No amendments to this volume were promulgated during the period July 1, 2000, through July 1, 2001. The CFR volume issued as of July 1, 2000 should be retained..